

# COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard  
Visalia, CA 93277

## **TULARE COUNTY**

### Matheny Tract Wastewater System Project Feasibility Report

Final Recirculated Draft Environmental Impact Report  
SCH No. 2017011028

December 2017

Prepared by

County of Tulare Resource Management Agency  
Economic Development and Planning Branch  
Environmental Planning Division

**Matheny Tract Wastewater System Project Feasibility Study  
Final Recirculated Environmental Impact Report (SCH#2017011028)**

These attached documents complete the Final Recirculated Environmental Impact Report (FREIR) for the above referenced project.

- I. Responses to Comments (Chapter 11 of the FREIR)
- II. Mitigation Monitoring and Reporting Program (Chapter 8 of the FEIR)
- III. Findings of Fact
- IV. Statement of Overriding Considerations

# **INTRODUCTION & RESPONSE TO COMMENTS**

## **Chapter 11**

### **INTRODUCTION**

The initial Draft Environmental Impact Report (Draft EIR or EIR) for the Matheny Tract Wastewater System Project Feasibility Report (Feasibility Report) Project was made available for public review and comment for a period of 45 days starting on June 30, 2017 and ending August 17, 2017. The purpose of this document is to present public comments and responses to comments received on the Project's Environmental Impact Report (SCH # 2017011028).

During the initial public review period, the County accepted five (5) written communications from agencies and one (1) comment from a private company (Chevron); no comments were received from any interested parties (e.g., organizations and individuals). The County reviewed these comments to determine whether any additional environmental analysis would be required to respond to issues raised in the comments. In addition to comments received, a Technical Memorandum Addendum to the Project Feasibility Report was approved by the State Water Resources Control Board on September 21, 2017 which included new information regarding additional alternatives not included in the original/approved Project Feasibility Report. Based on that review, the County determined that several subjects warranted additional information, analysis or clarification and, consequently, a revised DEIR (this Revised DEIR) was prepared for recirculation.

In accordance with CEQA Guidelines, section 15088.5(f)(2), "When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapter or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR."

As provided in CEQA Guidelines, section 15088.5(f)(2), the County is not required to not respond to individual comments received on the June 2017 Draft EIR. However, as the comments are pertinent to a majority of the Draft EIR, and remain applicable to the Recirculated DEIR, the County has elected to respond to all comments of both the Draft or Recirculated EIRs in the Final EIR. A copy of the Notice of Completion, including the notice to the public requesting comments on this RDEIR, is included in Appendix "B"

The County evaluated the potential need to recirculate the original DEIR based on the statutory requirements described in Section 21092.1 of the Public Resources Code. This section states that:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

In addition, a lead agency may choose to recirculate a DEIR if additional studies or analysis are conducted for a project before a specific action is taken by local decision makers to approve a project. Recirculation may be limited to those chapters or portions of the DEIR that have been modified. Public notice and circulation of the recirculated DEIR is required, per California Environmental Quality Act (CEQA) Guidelines Sections 15086 and 15087.

In its role as the lead agency, the County has directed the recirculation of the draft EIR for the proposed project. Consideration of the comments regarding alternatives to the Preferred Alternative (Alternative No. 2, Connection to the City of Tulare) received on the initial June 2017 DEIR. As will be further discussed in Chapter 2 Project Description, as the focus of this RDEIR is to include two previously unexplored alternatives in addition to the four Alternatives analyzed in the initial DEIR. All the other components of the Preferred Alternative (Alternative Two – connection to the City of Tulare), listed as follows, remains the same with the exception of the ultimate (yet to be determined) size of the sewer main at Paige Avenue (i.e., potentially a 27- or 42-inch diameter main).

## **UPDATED TOPICS WITHIN THE RECIRCULATED DRAFT EIR**

To address comments provided on the original DEIR and in consideration of information provided in the Technical Memorandum Addendum to the Project Feasibility Report (Technical Memorandum Addendum), the County has re-visited every resource and has provided additional background information and analysis as part of the RDEIR's Chapter 3 Environmental Analysis of Resources. Three tables have been developed regarding level of impacts to each resource. **Table 3-1** discusses resources with No Impact, **Table 3-2** discusses resources with Less Than Significant Impact, and **Table 3-3** discusses resources with Less Than Significant Impact With Mitigation. A summary is provided below of some resource impacts with Less Than Significant Impact or Less Than Significant Impact With Mitigation.

As indicated in Chapter 1, and summarized in **Table 1-1** of the RDEIR, the following resources were determined to result in less than significant impact: Biological Resources; Cultural Resources; Transportation/Traffic; and Tribal Cultural Resources

**Table 1-1** presents a summary of impacts and mitigation measures identified in this RDEIR including those proposed in this RDEIR. It is organized to correspond with the environmental issues discussed throughout the RDEIR. The table is arranged in four columns: 1) environmental impacts; 2) mitigation measure; 3) significance before mitigation; and 4) significance after mitigation. The addition of Alternatives 5 and 6 do not require revised or new policies and implementation measures. As such, the summary contained in Table 1-1 is consistent with MMRP Table 8-1 included as part of Draft EIR Chapter 8 Mitigation Monitoring and Reporting Program.



## EIR PROCESS

In preparing this RDEIR and considering approval of the proposed project, the County has completed, or will complete, the activities identified in Table 1-2.

<b>TABLE 1-2 STATUS OF TULARE COUNTY GENERAL PLAN UPDATE EIR</b>	
<b>ACTIVITY</b>	<b>STATUS</b>
Notice of Preparation - Preparation and Circulation	Completed, January 13 - March 30, 2017
Public Scoping Meeting	Conducted February 9, 2017
Draft EIR (DEIR) – Preparation	Completed, June 29, 2017
Draft EIR (DEIR) – Circulation – 45-Day Public Review and Comment	Completed, June 30 – August 14, 2017
Draft Recirculated EIR (DREIR) – Circulation 30 Day Public Review/Comment	October 20 – November 20, 2017
Final EIR – Preparation	To be completed by December 8, 2017
Final EIR – Circulation	December 8 – December 19, 2017

As required by CEQA, this RDEIR focuses on significant or potentially significant environmental effects (CEQA Guidelines Section 15143). Comments received on the NOP helped to refine the list of environmental issues evaluated in the original June 2017 DEIR and comments received on the original June 2017 DEIR helped to further refine those topics addressed in this DRDEIR. The impacts analyzed in this REIR, including those considered to be less than significant, are summarized in Table 3-2.

### Public Review of the Recirculated Draft EIR (RDEIR)

This document will be circulated to numerous agencies, organizations, and interested groups and persons for comment during the 30-day public review period for the RDEIR. A public notice will be posted at the Tulare County Resource Management Agency (RMA) office, Tulare County public libraries (listed below), and on the RMA's website. The RDEIR, along with copies of documents referenced herein, is also available for public review at the following locations during the review period:

Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277, (559) 624-7000, (Monday – Thursday: 9:00 am to 4:30 pm) and (Friday: 9:00 am to 11:00 am).

Tulare Branch Library  
475 North Main Street  
Tulare, CA 93274  
Tuesday and Thursday: 10:00 a.m. – 7:00 p.m.  
Saturday: 10:00 a.m. – 5:00 p.m.

Tipton Branch Library  
301 East Woods  
Tipton, CA 93272  
Thursday: 9:00 a.m. – 1:00 p.m., 2:00 pm – 5:00 p.m.  
Friday: 9:00 a.m. – 1:00 p.m., 2:00 p.m. – 5:00 p.m.

Tulare County Web Site: <http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>

Individual responses to each of the comment letters received regarding the Draft EIR are included in this chapter. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) will be considered.

In order to provide commenters with a complete understanding of the comment raised, the County of Tulare Resource Management Agency (RMA), Planning Branch staff prepared a comprehensive response regarding particular subjects. These comprehensive responses provide some background regarding an issue, identify how the comment was addressed in the Draft EIR, and provide additional explanation/elaboration while responding to a comment. In some instances, these comprehensive responses have also been prepared to address specific land use or planning issues associated with the proposed Project, but unrelated to the EIR or environmental issues associated with the proposed Project.

Comments received that present opinions regarding the Project that are not associated with environmental issues or raise issues that are not directly associated with the substance of the EIR are noted without a detailed response.

## **REVISIONS OUTLINED IN THE RESPONSES TO COMMENTS**

Revisions and clarifications to the EIR made in response to comments and information received on the Draft EIR are indicated by strikeout text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. Corrections of typographical errors have been made throughout the document and are not indicated by strikeout or underline text. Revisions and clarifications are included as Errata pages within this document.

## **PUBLIC REVIEW OF THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT**

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Feasibility Report's Environmental Impact Report (SCH # 2017011028) have been analyzed in a Recirculated Draft Environmental Impact Report (DREIR) dated October 2016. Consistent with Section 15205 of the State CEQA Guidelines, the DEIR for Project is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a 30-day public review period; however, if a Draft EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. The County of Tulare requested and received approval from the Office of Planning and Research, State Clearinghouse to grant a shortened 30-day review period for the RDEIR.

The RDEIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the RMA, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. The RDEIR's Notice of Availability (NOA) was also published in the *Visalia Times Delta*, a newspaper of general circulation, on October 28, 2016, as required by CEQA.

During the 30-day review period, the RDEIR and the technical appendices were also made available at the following locations:

Tulare County Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 93277  
(559)624-7000

Monday – Thursday: 9:00 a.m. to 4:30 p.m.;  
Friday: 8:00 a.m. to 12:00 p.m.

Tipton Branch Library  
301 East Woods  
Tipton, CA 93272

Thursday: 9:00 a.m. – 1:00 p.m., 2:00 pm – 5:00 p.m.  
Friday: 9:00 a.m. – 1:00 p.m., 2:00 p.m. – 5:00 p.m.

The Recirculated DEIR was posted at Tulare County Web Site:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>

## **RELEVANT CEQA SECTIONS (SUMMARY)**

Following is a summary of CEQA Section 15088- 15384, et. seq. The complete CEQA Guidelines can be accessed at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

### **Section 15088. Evaluation of and Response to Comments.**

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.

- (b) The lead agency shall provide ... response to a public agency on comments made at least 10 days prior to certifying.
- (c) The written response shall describe the disposition of significant environmental issues raised. In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations, and objections raised in the comments must be addressed in detail

**Section 15088.5. Recirculation of an EIR Prior to Certification.**

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.
- (b) Recirculation is not required where the new information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

**Section 15089. Preparation of Final EIR.**

- (a) The lead agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these guidelines.

**Section 15090. Certification of the Final EIR.**

- (a) Prior to approving a project, the lead agency shall certify that:
  - (1) The final EIR has been completed in compliance with CEQA;
  - (2) The final EIR was presented to the decision making body ...and the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
  - (3) The final EIR reflects the lead agency's independent judgment and analysis.

**Section 15091. Findings.**

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The findings required by subdivision (a) shall be supported by substantial evidence in the record.

**Section 15092. Approval.**

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless:
  - “(2) The agency has... [at] (B) “Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.”

**Section 15093. Statement of Overriding Considerations.**

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to

approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

#### **Section 15095. Disposition of a Final EIR.**

The lead agency shall:

(a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

(b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.

(c) Retain one or more copies of the final EIR as public records for a reasonable period of time.

(d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

#### **Section 15151. Standards for Adequacy of an EIR.**

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

**Section 15364. Feasible.** "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, legal, social, and technological factors.

**Section 15384. Substantial Evidence.** "Substantial evidence"... means enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

## **RESPONSES TO COMMENTS**

### **COMMENT LETTERS RECEIVED ON THE DRAFT EIR**

The County of Tulare received a total of three (4) comment letters, and a correction letter from OPR/SCH) on the Draft EIR during the designated comment period (between October 28, 2016 and December 12, 2016). In addition, any correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter "I" is from the State Water Resources Control Board, August 4, 2017.

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft EIR received as of close of the public review period on December 12, 2016.

Oral comments were received from or conversations occurred with the following individuals:

*No oral comments were received.*

Comments from Interested Parties, and Federal, State, or County Agencies were consolidated into one response to the commenting party as follows:

<i>Commenter 1</i>	<i>State Water Resources Control Board, November 17, 2017 and August 4, 2017</i>
<i>Commenter 2</i>	<i>San Joaquin Valley Unified Air Pollution Control District (Air District), November 27, 2017 and August 9, 2017</i>
<i>Commenter 3</i>	<i>State of California Department of Transportation (Caltrans), October 31, 2017</i>
<i>Commenter 4</i>	<i>SoCalGas, November 21, 2017</i>
<i>Commenter 5</i>	<i>Table Mountain Rancheria, November 16, 2017</i>
<i>Commenter 6</i>	<i>State of California Department of Fish and Wildlife, August 10, 2017</i>
<i>Commenter 7</i>	<i>State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), October 24 and 25, 2017</i>
<i>Commenter 8</i>	<i>Chevron Environmental Management Company, August 17, 2017</i>
<i>Commenter 9</i>	<i>City of Tulare, November 17, 2017 and August 14, 2017</i>

Comments from adjacent property owners: *No Comments were received.*

Comments from those supporting or opposing the Project: *No Comments were received.*

In addition to the comment letters received, this chapter concludes with a list of agencies, tribes, and other interested persons whom were notified during the Notice of Preparation process and/or received a Notice of Availability of the Draft environmental Impact Report.

## COMPREHENSIVE LIST OF RESPONSES

### Commenter 1 – State Water Resources Control Board (SWRCB), November 17, 2017 and August 4, 2017

**Comment Subject:** Projects are subject to provisions of the Federal Endangered Species Act (ESA), must obtain Section 7 Clearance from the US Dept. of the Interior, Fish and Wildlife Service and/or Dept. of Commerce NOAA, NMFS.

**Response:** *The County is aware of the above noted federal provisions and will complete each accordingly. However, the immediate matter is the Recirculated Draft EIR. Once approved/certified, and condition upon approval of funding, the County will complete the above noted requirements as identified by the SWRCB.*

**Comment Subject:** The State Water Board will consult with the USFWS and/or NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be finance by the CWSRF Program.

**Response:** *The County concurs. If the project is financed the County will undertake the above noted process.*

**Comment Subject:** The County will need to identify the Area of Potential Effects (APE), including construction and staging area, and the depth of any excavation.

**Response:** As indicated earlier, if the project is financed the County will undertake the above noted APE process

**Comment Subject:** The Water Board requests that federal requirements are met, including: (A) Project alternatives; (B) public meetings/hearings; (C) the Federal Clean Air Act; (D) the Coastal Zone Management Act; (E) jurisdictional wetlands; (F) Farmland Protection Policy Act; (G) Migratory Bird Treaty Act; (H) Flood Plain Management Act; and (I) Wild and Scenic Rivers Act.

**Response:** *The County is aware of NEPA-related environmental requirements such as Sections 7 and 106 clearances. However, until the CEQA process has been completed; in this case an EIR, it is premature to initiate the NEPA-related process. Upon certification by the Tulare County Board of Supervisors, the County will initiate the NEPA process.*

*The Water Board's comment letter includes items A thru I, many of which have been addressed in the DEIR and are discussed in the respective resource section (i.e.; Chapters 3.1 thru 3.19). The narrative below summarizes the resource sections discussions relative to items A thru I:*

- A. Chapter 5 of the DEIR contains an Alternatives discussion as required by CEQA Guidelines section 15326.*
- B. A public hearing by the Tulare County Board of Supervisors is scheduled for December 19, 2017.*

- C. The Project complies with the Federal Clean Air Act. Chapter 3.3 of the DEIR discusses the air resource. The San Joaquin Valley Unified Air Pollution Control District (Air District) was consulted and has provided comments (see Final EIR) regarding the Project. In summary, the Air District concluded that the Project would not result in any threshold exceedances.*
- D. The Project is approximately 150 miles east of any coastal zone.*
- E. The Project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR).*
- F. The Project will be constructed within existing rights-of-way; as such, no farmlands of any classification will be impacted (see Chapter 3.2 of the DEIR).*
- G. The Project will be constructed within existing rights-of-way; as such, no critical habitat that can be used by migratory birds will be impacted (see Chapter 3.4 of the DEIR).*
- H. The FEMA FIRM maps (numbers 06107C1262E and 06107C1275E) identify all of Matheny Tract North and South in a Flood Zone X (unshaded) classification. Both flood Zone X (shaded or unshaded) designations are considered moderate to minimal risk areas for flood occurrence Areas designated Flood Zone X (unshaded) are defined as locations of “Minimal risk areas outside the 1-percent and 0.2-percent-annual-chance floodplains. (See Chapter 3.9 of the DEIR).*
- I. There are no rivers within or near the proposed Project site; therefore, the Wild and Scenic Rivers Act does not apply to this Project.*

Specific comments on the County’s draft EIR were provided by the Water Board as follows:

**Comment No. 1.:** “What type of habitat is available for available for which federally-listed species in the Project APE? How would the project potentially indirectly or directly affect these species?”

**Response:** *Based on the information contained in Chapter 3.4 of the DEIR, the fact that all construction-related activities will occur within County rights-of-way, the absence of any natural occurring habitat, intensive urban-type uses (predominantly residential), intensive and on-going, active agriculturally productive land surrounding the project site to the north, west, and south, and industrial-related uses to the east; and the documented absence of sensitive species in both the CNDDDB and IPaC data bases (with the exception of historical San Joaquin kit fox range and a Swainson’s Hawk nest approximately 1,560 feet SWHA south of North Matheny Tract); it is unlikely that the project would result in a direct or indirect impact to any state- or federally-listed species. Also, the County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities to ensure appropriate actions are taken to protect sensitive species if such species are encountered.*

**Comment No. 2.:** “Is there no foraging habitat, or is the habitat only suitable for transient wildlife activity?”



**Response:** *See Response to Comment No. 1. Also, the areas where the construction-related activities will occur has the potential for transient wildlife activity; however, it is unlikely that the transient wildlife would be a special status species.*

**Comment No. 3.:** “Has the County engaged in any correspondence or consultation with the CA Department of Fish [and] Wildlife or the USFWS regarding this Project?” “What related vegetation removal is anticipated due to Project activities, and what will the worker environmental awareness training consist of?”

**Response:** *CDFW is aware of and has commented on the project. The County received a comment letter from CDFW (see Final EIR Response to Comments as provided in the web link, below); however, as indicated earlier, it would be premature to initiate consultation with USFWS until the Tulare County BOS certifies/approves the Final EIR. As indicated earlier, as the areas where the construction-related activities will occur within County rights-of-way, it is highly unlikely any vegetation will be removed due to constant, reoccurring vehicle disturbance. The County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities. In the event of special status plant(s) occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. The County is relying on the expertise of the qualified biologist to provide adequate environmental awareness; as such, the County would support recommendations by the qualified biologist regarding the content of training.*

**Comment No. 4.:** “Page 3.19-6 indicates four (4) special status species are known to occur in the vicinity of the proposed Project action area, and “at least two special-status species...are known to forage and inhabit the Project vicinity.” Are these finding based on anything more than the 2014 biological studies and the 2017 updated CNDDDB species list?”

**Response:** *Yes and No. Desktop searches of the CNDDDB and IPac were used to identify the two special status species recorded within the project vicinity. County staff visited the site, several times, and based on our non-expert observations, did not observe any suitable foraging or habitat lands. There are several large oak trees located approximately 1,500 feet southeast of North Matheny Tract that may be suitable for nesting and it is possible that wildlife (regardless of status) may forage within or near the project site. As such, the County will rely on the pre-construction survey by a qualified biologist prior to determining habitat or presence of special status species prior to initiation of any active construction-related activities. As indicated earlier, based upon the areas where the construction-related activities will occur, it is unlikely that any special status species’ foraging or habitat would be impacted by the project.*

**Comment No. 5.:** “In order for the State Water Board to initiate Section 7 consultation with the USFWS, the biological assessment needs to be updated...” “The Project APE requires an updated field survey based on current species lists, and project specific findings made by a qualified biologist.”

**Response:** *The County concurs. As indicated earlier, until the Final EIR is certified/adopted by the Tulare County BOS, it would be premature to retain a qualified biologist to prepare the necessary field survey and findings to initiate consultation with USFWS. Regarding 5.a. and b., the use of the “Biotic Evaluation for Derrel’s Mini Storage” and the “Proposed Plainview Wastewater System Alternatives” are relevant as they demonstrate typical mitigation measures and/or habitat for special status species within Tulare County and the similarity of a wastewater*

*system project alternatives. As noted earlier, the County will rely on a qualified biologist prior to determining presence or absence of habitat or special status species, and rely on the biologist's expertise in recommending appropriate mitigation measures in the event of special status species occurrence.*

**Comment No. 6.:** "What are the anticipated update to the requirements [of] the County's National Pollutant Discharge Elimination System (NPDES) permit and/or waste discharge requirements?"

**Response:** *The County is not the operator of the wastewater treatment facility where wastewater from Matheny Tract would be conveyed. Rather, the City of Tulare, as the wastewater treatment operator would need to re-visit their existing NPDES permit to ensure compliance with their NPDES permit as appropriate.*

**Comment No. 7.:** "...please provide the (length, width, and depth) dimensions of all excavations required for the proposed pipeline, lift station(s), and sewer manholes. Please indicate how wide the construction corridor, and identify the location of the "undeveloped, fallow, or vacant properties" that would be used for equipment staging."

**Response:** *Until final design/engineering of the wastewater collection system is completed, the County cannot accurately provide the specific dimensions or location information requested by the State Water Board.*

**Comment Subject:** The Water Board requests CEQA documentation applicable to the proposed Project.

**Response:** *For clarification, the County has provided an electronic copy of the Draft EIR and a link (below) to the Final EIR to the State Water Board. Hard copies can be provided upon completion of the CEQA process. The County will provide the appropriate CEQA resolution and Findings of Fact upon BOS certification/approval of the Final EIR. The Final EIR includes all comments received and the County's [rather than "the District" as indicated in the Water Board's comment letter] response to comments. The adopted MMRP and the NOD will also be forwarded to the State Water Board as requested. Although outside of the context of this DEIR, the County makes every effort to provide hearing or meeting notices to the applicable responsible or trustee agency(ies) as required by CEQA.*

**Commenter 2 - San Joaquin Valley Unified Air Pollution Control District (Air District),  
November 17, 2017 and August 4, 2017**

**Comment Subjects:** The Project will not exceed criteria pollutant thresholds; the Project subject to Rule 9510 (Indirect Source Review), although subject to Rule 9510, the Project is expected to result in minimal operational emissions; the Project may be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); other rules may apply to the Project; and the Air District recommends that a copy of the District's comments be provided to the Project proponent.

**Response:** *As the agency with the foremost authority regarding the air quality resource, Staff appreciates the Air District's comments regarding the DEIR. We agree with the Air District's*

*determination that the project will not exceed criteria pollutant. The County further concurs that, despite the Project ultimately resulting in an overall public benefit by providing an alternative to individual septic systems and will only result in short-term, temporary construction-related emissions, the Project is subject to Rule 9510 (Indirect Source Review). The County appreciates the Air District's notification that the Project is subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and possibly other rules to ensure County compliance with applicable Air District rules/regulations and permitting requirements. Lastly, as the applicant is the County of Tulare, the County is in receipt of the Air District's comments. Also, see Exhibit "A-" Response to San Joaquin Valley Unified Air Pollution Control District.*

**Commenter 3 - State of California Department of Transportation (Caltrans), October 31, 2016 via e-mail**

**Comment Subjects:** "Caltrans has a "NO COMMENT" on the recirculated DEIR for the Matheny Tract. As indicated in the project documents and our review, all work would be performed outside the State's ROW including the additional two proposed alternatives which do not alter the boundaries of the proposed work sites.

**Response:** *No response necessary, as indicated in Caltrans' comments all work will be performed outside the State's ROW.*

**Commenter 4 – SoCalGas, November 21, 2017**

**Comment Subject:** SoCalGas provided a list of facilities with the project site. "SoCalGas has the following facilities within the project site:

- A 20-inch high pressure transmission line underneath the southbound lanes along Pratt Street/Road 96 beginning at Clinton Avenue in the north and running south past the project site's southern boundary.
- Several 2-inch medium pressure distribution lines underneath Matheny Avenue and Prine Avenue in the southern portion of the project site with branching service lines to serve adjacent residences.
- Several 3-inch and 2-inch medium pressure distribution lines throughout all streets in the northern portion of the project area bounded by Pratt Street to the west, I Street to the east, Wade Avenue to the north and Addie Avenue to the south. Service lines branch from these pipelines to serve adjacent residences.

**Response:** *The County appreciates SoCalGas' information regarding the above noted facilities locations. Careful planning and diligence will be taken to ensure such facilities are not impacted by project-related excavation or other earthmoving activities.*

**Comment Subject:** SoCalGas recommends that the project proponent call Underground Service Alert at 811 at least two business days prior to performing any excavation work for future activities evaluated under both proposed plans. Underground Service Alert will coordinate with SoCalGas and other Utility owners in the area to mark the locations of buried utility-owned lines.

**Response:** *The County agrees that calling Underground Service Alert (USA) at 811 prior to performing any excavation work for future activities evaluated under both proposed plans (i.e., the initial and Recirculated Draft EIRs). The County anticipates working with USA to coordinate with SoCalGas and other Utility owners in the area to mark the locations of buried utility-owned lines and appreciates the efforts of SoCalGas to ensure the safety of the County's residents relative to underground utilities.*

**Commenter 5– Table Mountain Rancheria, received November 16, 2017**

**Comment Subject:** Project site is beyond Tribe's area of interest.

**Response:** *No response is necessary as the Table Mountain Rancheria comment letter documents that the Tribe has provided evidence that the project area is beyond the Tribe's area of interest.*

**Commenter 6– State of California Department of Fish and Wildlife, August 10, 2017**

**Comment Subjects:** Swainson's hawk, San Joaquin kit fox, and Special-Status Plants mitigation measures; and CNDDB reporting and filing fees

**Comment Subject:** Swainson's hawk (SWHA), a species listed as threatened pursuant to CESA, has the potential to nest in large trees adjacent to and within the Project site. Any take of SWHA without appropriate take authorization would be a violation of Fish and Game Code. CDFW recommends the following mitigation measures:

“SWHA Mitigation Measure 1: To evaluate potential Project related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory committee (SWHA TAC, 2000) prior to any Project implementation. If ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.”

“SWHA Mitigation Measure 2: if an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP) for SWHA is necessary prior to Project implementation to comply with CESA.”

**Response:** *The County has clarified the MMRP consistent with CDFW's comments.*

**Comment Subject:** San Joaquin kit fox (SJKF), a species listed as threatened pursuant to CESA and endangered pursuant to the Federal Endangered Species Act (FESA), has the potential to occur on the Project site. Presence/absence in any one year is not necessarily a

reliable indicator of SJKF to occur on a site. SJKF may be attracted to project areas due to the type and level of ground disturbance. Potentially significant impacts that may result from Project-related activities include loss of dens, entrapment, vehicle strikes, and direct mortality. Any take of SJKF without authorization would be a violation of Fish and Game Code.

“SJKF Mitigation 1: To evaluate potential Project related impacts, CDFW advises that the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011) be followed prior to any ground-disturbing activities occurring within the Project site. San Joaquin kit fox detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP for SJKF prior to any ground-disturbing activities.”

**Response:** *The County has clarified the MMRP consistent with CDFW’s comments.*

**Comment Subject:** The DEIR includes translocation as a potential mitigation measure for special-status plant species encountered during Project activities. Although the likelihood of State listed plant species locating on the Project site is low, translocation of such a species constitutes take and without an ITP would violate Fish and Game Code.

“Special Status Plant Mitigation Measure 1: CDFW recommends that a pre-construction surveys for special-status plants be conducted by a qualified botanist following the “Protocols for Surveying and Evaluation Impacts to Special Status Native Plant Populations and Natural Communities” (CDFG, 2009). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.”

“Special Status Plant Mitigation Measure 2: If detected during pre-construction surveys. CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the United States Fish and Wildlife Service (USFWS) be initiated to determine permitting needs.”

**Response:** *The County has clarified the MMRP consistent with CDFW’s comments.*

**Comment Subject:** Editorial Comments/Suggestions

**Comment Subjects:** CDFW recommends fully addressing avoidance, minimization, and mitigation measures for SWHA, SJKF, and special-status plant species and that these measures be included in the enforceable mitigation measures in the final EIR.

**Response:** *The County believes it has provided sufficient mitigation measures based upon the existing baseline of absence of special status species. If, during pre-construction survey(s),*

*any special-status species are encountered CDFW and/or USFWS will be consulted. The mitigation measures include “next steps” if a qualified biologist encounters special status species; until such time, the County has determined that the mitigation measures contained in the MMRP satisfy CEQA.*

**Comment Subjects:** CDFW recommends consulting with USFWS on potential impacts to federally listed species. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

***Response:** As noted earlier, the County believes it has provided sufficient mitigation measures based upon the existing baseline of absence of special status species. If, during pre-construction survey(s), any special-status species are encountered CDFW and/or USFWS will be consulted. The mitigation measures include “next steps” if a qualified biologist encounters special status species; until such time, the County has determined that the mitigation measures contained in the MMRP satisfy CEQA.*

**Comment Subjects:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations. Accordingly, please report any special status communities and natural communities detected Project surveys to the CNDDDB.

***Response:** The County is well aware of CEQA requirements regarding reporting Project surveys to the CNDDDB. As such, regardless of the unlikelihood that such communities will be detected, the County will comply with CNDDDB reporting requirements.*

**Comment Subjects:** CDFW fees are payable upon filing the Notice of Determination by the Lead Agency.

***Response:** The County is well aware of CDFW fees and notes that it has never failed to pay said fees where applicable.*

**Commenter 7- State of California Governor’s Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), October 24, and October 25, 2017**

**Comment Subjects:** Shortened review period request and Corrected State Clearinghouse Number.

***Response:** No response is necessary as SCH approved the requested 30-day shortened review period and provided a correction to a State Clearinghouse Number that was assigned to the Project’s environmental document. SCH provided a corrected SCH Number as 2017001208.*

**Commenter 8- Chevron Environmental Management Company**

**Comment Subjects:** Chevron’s former pipeline operations, pipeline decommissioning, crude-contaminated soil was non-hazardous, and properly abandoned crude-oil pipeline.

**Comment Subjects:** “The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in Tulare County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of this former pipeline location within the existing former pipeline right of way (ROW).”

**Response:** *The County appreciates this information and will take the necessary preparations/precautions should crude oil, abandoned pipeline and/or ACM be encountered.*

**Comment Subjects:** “Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figures 1 and 2 illustrate the locations of the former TAOC [Tidewater Associated Oil Company] ROW with respect to proposed project area.”

**Response:** *The County appreciates CEMC providing the Figures.*

**Comment Subjects:** “Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former TAOC pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information.”

**Response:** *Comment noted. The County appreciates CEMC providing this information.*

**Comment Subjects:** “For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd ([michael.t.hurd@leidos.com](mailto:michael.t.hurd@leidos.com)) at (510) 466-7161 or Daniel Anzelon ([daniel.b.anzelon@leidos.com](mailto:daniel.b.anzelon@leidos.com)) at (858) 826-3316.”

**Response:** *The County appreciates the comments received from Chevron. Although it does not appear that any part of the wastewater collection system would be impacted by the abandoned pipeline and pipeline-related ACM (asbestos-containing materials), we commend Chevron for providing this information to prepare for the possibility of encountering the abandoned pipeline and pipeline-related ACM. This information will be useful during development of project design features when construction plans being are completed.*

## **Commenter 9 – City of Tulare, August 14, 2017 and November 17, 2017**

**Comment Subjects of comments dated August 14, 2017:** Existing capacity of W. Paige Avenue sewer main, future expansion of the W. Paige Avenue sewer main, willingness and ability to serve Matheny Tract, deficiencies in EIR section 3.18 Utilities and Service Systems, and cost sharing.

**Comment Subject:** Regarding Existing Capacity of W. Paige Avenue Sewer Main. “The City disagrees with this statement, as it can be construed to say that the City has indicated that the Matheny project could be accommodated under existing conditions. The City’s wastewater engineers (Carollo Eninegers) prepared a report in June 2017 titled “DWWTP and Collection System Analysis” (Report) that evaluated specifically whether the Matheny Tract sewer needs could be served by the City.” As indicated in the City’s comment, the City has determined that the existing 27-inch diameter gravity sewer on W. Paige Avenue does not have the capacity to serve the Matheny Tract.

**Response:** *The County acknowledges receipt of the City’s comment (and the Report) on August 14, 2017; the DEIR comment due date. As a matter of process, the DEIR was provided to the City (via hand delivery) on June 30, 2017. The County appreciates receipt of the Report; however, we believe more timely notification by the City that the Report was available would have benefitted the County as a matter of CEQA information sharing. The subsequent “Technical Memorandum Addendum to the Project Feasibility Report” (Technical Memorandum Addendum) was approved by the State Water Resources Control Board on September 21, 2017 which included new information regarding additional alternatives not included in the original/approved Project Feasibility Report. The Technical Memorandum Addendum, in summary, agreed with the City’s position regarding the existing 27-inch diameter and its inability to provide capacity for Matheny Tract wastewater flows.*

**Comment Subject:** Regarding Future Expansion of the W. Paige Avenue Sewer Main: “Section 4.3 of the Co[a]rrollo Report (Attachment A [of the City’s comment letter]) calculates the total sewer capacity needs of adding the Matheny Tract, along with existing approved units and areas planned for development within the City’s service areas.” “...it is the City’s position that a new 42-inch line in Paige Avenue from K Street to the DWWTP would be necessary to accommodate the Matheny Tract.”

**Response:** *The Technical Memorandum Addendum, in summary, indicates that a new minimum width 27-inch diameter pipeline could provide capacity for Matheny Tract and already approved projects wastewater flows in the City of Tulare. However, the City prefers a 42-inch diameter pipeline to accommodate Matheny Tract, already approved projects, AND buildout of its General Plan land uses. A 42-inch diameter pipeline far exceeds the intended scope of this project, that is, to have sufficient (rather than excessive) conveyance capacity to meet wastewater flows from Matheny Tract.*

**Comment Subject:** Regarding Willingness and Ability to serve Matheny Tract: “The City has not planned for, nor currently has the ability to serve the Matheny Tract with sewer services. The City’s recent General Plan Update directs growth away from this area of the city, and extending wastewater service to the Matheny Tract would be inconsistent with the General Plan and the city’s growth objectives.” “...because the City has not provided documented acceptance of this alternative [Alternative 2 in the DEIR], the City requests that this alternative not be adopted by the County and the EIR not be certified if this alternative is chosen.”



**Response:** *The County is compelled by CEQA to provide and discuss alternatives in its DEIR. CEQA Guidelines Section 15126.6 (a) Alternatives to the Proposed Project states; “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The Lead Agency is responsible for selecting a range of alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.” As the Lead Agency, the County is fulfilling its area of responsibility to select, then pursue, the alternative it considers to be the most reasonable, appropriate and environmentally superior alternative. In this case Alternative No. 2, connection to the City of Tulare’s waste water treatment system.*

*At this time, the County and the City do not have a formal agreement regarding the City providing domestic wastewater treatment or conveyance for the neighborhood of the Matheny Tract. Such an agreement will be required between the City and the County prior to the construction of the project, and must be formally adopted by both the County and the City under terms deemed acceptable to each.*

*The City has also stated that its General Plan and growth objectives “[direct] growth away from this area of the City, and extending wastewater service to the Matheny Tract would be inconsistent” therewith. It is also noted that the City recently included Matheny Tract in the City’s Sphere-of-Influence. Matheny Tract is an existing neighborhood with existing developments. Accepting wastewater flows from an existing neighborhood with existing developments utilizing septic systems is not inherently a growth inducing action and does not conflict with City policy. Further, such a project is intended to improve environmental quality related to wastewater treatment, which is also not intended to induce or promote growth.*

**Comment Subject:** Regarding Deficiencies in initial Draft EIR Section 3.18 Utilities and Service Systems: The City provided four (4) comments, IV. a.-d.

**Response:**

- a. *The wastewater production for the Matheny Tract neighborhood would be 0.13 MGD, which is used in determining treatment plant capacity and demand. Using the City’s peaking factor requirement of 2.1, as referenced in Section I of the City’s letter, the design capacity of the project is determined to be 0.27 MGD, which is used to determine the design load for conveyance.*
- b. *The City has correctly stated that the County has considered the capacity of the City’s DWWTP as part of its analysis regarding the treatment of wastewater from the Matheny Tract. The City has also correctly identified that the analysis of wastewater treatment plant capacity is not relevant in the discussion of conveyance pipeline size. The County also further reiterates its position on the capacity of the sewer main along Paige Avenue as discussed above.*

- c. *The County as part of the initial Draft EIR has made assumptions regarding the capacity of the City's DWWTP, some of which are specifically recalled by the City in Section IV.b. of the Letter. In its analysis and report, the County has assumed that the requirements of the Waste Discharge Requirements of the City's DWWTP will remain constant or increase as a result of the expected expansion of the City's DWWTP as identified on Page 3.18-8 of the initial Draft EIR.*
- d. *The initial Draft EIR considered that the expansion of the WWTP is already necessary under the rules of the Regional Water Quality Control Board and are, for this reason, not considered within the scope of the initial Draft EIR. Further, the City has claimed that it would be necessary for it to construct a larger diameter sewer main along Paige Avenue to convey the wastewater flows from the Matheny Tract and other permitted sources. The size of the larger sewer pipe is outside of the scope of the initial Draft EIR.*

**Comment Subject:** Regarding Cost Sharing: “There are many unresolved issues that need to be resolved before attempting to determine costs associated with providing Matheny Tract with wastewater service. Among the issues not mentioned in the EIR are the costs associated with installing a larger sewer line in Paige Avenue to accommodate the Matheny Tract. The City suggests resolving these issues prior to certifying the EIR.”

**Response:** *The County agrees that specific costs need to be resolved, maintains its willingness to continue working with the City, and agrees that a fair and equitable resolution would benefit Matheny Tract residents and the City of Tulare. However, the County disagrees that resolving cost-sharing issues is a CEQA-related issue relative to the scope of the Project. As such, the County, as lead agency, respectfully asserts that it is within its authority to certify the EIR. Lastly, certifying the EIR is critical to moving the Project funding process forward with the State Water Board.*

**Comment Subjects of comments dated November 17, 2017:** Selected Alternative, Additional Alternative for Consideration, Project Costs and Financial Responsibility, and Determination in accepting wastewater from Matheny Tract

**Comment Subject:** The City agrees with the County's assessment in the Recirculated EIR that Alternative 6 (construction of a 42-inch diameter sewer trunk line) would be an alternative that could adequately serve Matheny Tract. However, the City has not yet taken a formal position to accept or decline connection of Matheny Tract wastewater. The City maintains its concerns regarding project cost and financial responsibility.

**Response:** *The County's position regarding a preferred alternative remains Alternative 2 with a yet to be determined diameter. A primary component of the Project is conveyance of wastewater following connection to a City trunk line as outlined in both the initial and recirculate EIRs. The County acknowledges that the City has not taken a formal position as noted above and remains receptive to reaching a mutually beneficial position. The County further acknowledges the City's concerns regarding project cost and financial responsibility. The very foundation of the Project is “feasibility”; the EIR has concluded that connection is indeed feasible. However, the details of achieving the goal of tying into the City's wastewater*

*collection trunk lines remains unresolved. As such, costs and financial responsibility remain unresolved until a definite course of action, if any, is agreed upon.*

**Comment Subject:** The City request that the County's Final EIR include a statement that, The City of Tulare has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind itself to any plans, cost estimates, cost sharing, or fair share percentages identified in the County's EIR or Recirculated EIR regarding improvements to the City's sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract."

**Response:** *The City's suggested language is not pertinent to CEQA adequacy of the initial and Recirculated draft EIRs and is not necessary for the Final EIR to be certified by the County of Tulare. The County has been clear that many issues need to be discussed (including plans, cost estimates, etc.) to reach a fair, equitable, and mutually beneficial solution.*

**Comment Subject:** "The City objects to the selection or adoption of any project/alternative other than Alternative 6 discussed in the Recirculated EIR. The City herby reasserts and incorporates by reference its comment letter on the original DEIR as it pertain to the original EIR text and Alternatives 1 through 4. The City acknowledges the Recirculate EIR dismiss Alternative 5 as being not feasible."

**Response:** *Comment noted. The County, as supported in the Recirculated EIR, maintains that Alternative 6 is the preferred Alternative. As such, all other Alternatives have been superseded by the preferred Alternative.*

**Comment Subject:** The City has identified an additional alternative which is recommended for evaluation and inclusion in the County's Final EIR; connection to the City's existing 36-inch mile waste line along Paige Avenue and biosolids processing facility improvements to the Industrial Wastewater Treatment Plant (IWWTP).

**Response:** *The suggested alternative is beyond the scope of the Project. In summary, the Project consists of construction of a wastewater collection system (and lateral connections) throughout Matheny Tract, ultimate connection to a City wastewater trunk line, one (or more) lift station(s), and abandonment of existing Matheny Tract septic systems.*

**Comment Subject:** Project costs and financial responsibility have not been fully determined. The City reserves the right to re-evaluate project costs and fair share percentages attributable to Matheny Tract.

**Response:** *As noted earlier, the County acknowledges that the City has not taken a formal position as noted above and remains receptive to reaching a mutually beneficial position. The County further acknowledges the City's concerns regarding project cost and financial responsibility. The very foundation of the Project is "feasibility"; the EIR has concluded that connection is indeed feasible. However, the details of achieving the goal of tying into the City's wastewater collection trunk lines remains unresolved. As such, costs and financial responsibility remain unresolved until a definite course of action, if any, is agreed upon.*

**Comment Subject:** The City has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind itself to any plans, cost estimates, cost sharing, or fair share percentages identified in the County's EIR or Recirculated EIR regarding improvements to the City's sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract.

**Response:** *Comment noted. As noted earlier, the County has been clear that many issues need to be discussed (including plans, cost estimates, or fair share percentages.) to reach a fair, equitable, and mutually beneficial solution.*

**Comment Subject:** "The City continues to be receptive to future discussion regarding the issues outlined in this letter."

**Response:** *Comment noted. The County appreciates the City's receptiveness to future discussions and looks forward to reaching a fair, equitable, and mutually beneficial solution to Matheny Tract residents and the City of Tulare.*

## PROJECT SUMMARY

The overall objective of the Project is connection to the existing City of Tulare wastewater treatment plant, identified by the Matheny Tract Wastewater System Project Feasibility Report (PWSPFR or Report), described in Chapter 1 - Introduction. Project components include construction of wastewater collection laterals from each home or business within Matheny Tract and connection to collection lines in the various County rights-of-way abutting the homes and businesses would occur. These collection lines would then inter-tie to a main line that would deliver the wastewater to the wastewater trunk line which would be constructed within the Pratt Street/Road 96 right-of-way extending from Matheny Tract to the City of Tulare's sewer trunk pipeline located near the intersection of Pratt Street/Road 96 and Paige Avenue/Avenue 216, approximately one mile north of Matheny Tract. The trunk line then feeds into the City of Tulare wastewater treatment plant. Depending on precise engineering designs, at least one (and possibly more) lift station(s) or other appurtenant structures may also be required. Pipelines will be installed via open-cut trenching; trenches will be closed upon completion of construction. Roadways will be repaved/resurfaced as needed and specified by the City of Tulare and/or County of Tulare.

## LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan an EIR was prepared as was a background report. The General Plan background report contained contextual environmental analysis for the General Plan. The Housing Element for 2015 certified by State of California Department of Housing and Community Development on November 2, 2015 and adopted by the Tulare County Board of Supervisors on November 17, 2015.

## SCOPE AND METHODOLOGY

The County of Tulare has determined that a project level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. A project level EIR is described in Section 15161 of the State CEQA Guidelines as one that examines the environmental impacts of a specific development project. A project level EIR must examine all phases of the project, including planning, construction, and operation.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Environmental Impact Report (FEIR)* acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

CEQA Guidelines Section 15002 (a) specifies that, "[t]he basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved."<sup>1</sup>

CEQA Guidelines Section 15002 (f) specifies that, "[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage... An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment... When the agency finds that there is no substantial evidence that a project may

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<sup>1</sup> CEQA Guidelines Section 15002 (a).

have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR..."<sup>2</sup>

Pursuant to CEQA Guidelines Section 15021 Duty to Minimize Environmental Damage and Balance Competing Public Objectives:

- "(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
  - (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
  - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment."

"<sup>3</sup>

## IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002 (h) addresses potentially significant impacts, to wit, "CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093."<sup>4</sup> (See Chapter 7)

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<sup>2</sup> Ibid. Section 15002 (f).

<sup>3</sup> Op. Cit. Section 15021.

<sup>4</sup> Op. Cit. Section 15002 (h).

This *Final EIR* identifies potentially significant impacts that would be anticipated to result from implementation of the proposed Project. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines Section 15126.2(a)).

The existing setting is described in detail in each resource section of Chapter 3 of this document and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 3 of this document.

## **CONSIDERATION OF SIGNIFICANT IMPACTS**

Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”<sup>5</sup>

As the Project will have no significant and unavoidable effects; a Statement of Overriding Considerations is not necessary or required as part of this Final EIR.

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<sup>5</sup> Op. Cit. Section 15126.2.

## MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- "(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
- (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
  - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
  - (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
  - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
- (3) Mitigation measures are not required for effects which are not found to be significant.
- (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
- (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
  - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
- (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination."

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<sup>6</sup> Op. Cit. Section 15126.4.



## ORGANIZATION OF THE EIR

With the exception of Chapter 10, Response to Comments, of the EIR consists of the following sections:

This Final EIR is organized in the following manner.

**“Executive Summary”** summarizes the findings of this Final EIR.

### CHAPTER 1 Introduction

As indicated in Chapter 1, this RDEIR is analyzing only Alternatives 5 and 6, the assumptions/analysis contained in the initial DEIR remain applicable. Therefore, rather than repeating the discussion here, this Chapter relies heavily on the initial Draft EIR (incorporated herein by reference).

### CHAPTER 2 Project Description

Chapter 2 of the RDEIR analyzed the Alternatives provided in the *“Technical Memorandum Addendum to Project Feasibility Report September 2017”* (PFR Addendum ) to the Project Feasibility Report Matheny Track Wastewater System (Feasibility Report or PFR). The initial DEIR is based on the Preferred Alternative/Project (Project) and analyzed four (4) alternatives to the Project:

- Alternative 1: On-site Systems with Implementation of a Septic Tank Maintenance District
- Alternative 2: Gravity Collection System and consolidation with City of Tulare
- Alternative 3: Gravity Collection System with Community Wastewater Treatment Facility
- Alternative 4: No Build/No Project

As described in Chapter 2, the focus of this RDEIR is to include two previously unexplored alternatives in addition to the four Alternatives analyzed in the initial DEIR. All the other components of the Preferred Alternative (Alternative Two – connection to the City of Tulare), listed as follows, remains the same with the exception of the ultimate (yet to be determined) size of the sewer main at Paige Avenue (i.e., potentially a 27- or 42-inch diameter main). To avoid confusion which may result in renumbering these new alternatives, Alternatives 2a and 2b are referred to as Alternative Five (Construct New 27-inch Diameter Pipeline) and Alternative Six (Construct New 42-inch Diameter Pipeline); respectively:

- Alternative 5: Construct New 27-inch Diameter Pipeline
- Alternative 6: Construct New 42-inch Diameter Pipeline

### CHAPTER 3 Environmental Analysis of Resources

The focus of this RDEIR is to include two previously unexplored alternatives in addition to the four Alternatives analyzed in the initial DEIR. All the other components of the Preferred Alternative (Alternative 2 – connection to the City of Tulare), listed as follows, remains the same

with the exception of the ultimate (yet to be determined) size of the sewer main at Paige Avenue (i.e., potentially a 27- or 42-inch diameter main).

As part of the initial Draft EIR for the initially proposed project, an NOP with an environmental checklist (based on Appendix G “Environmental Checklist” of the CEQA Guidelines) was prepared and circulated for public review and comment (see Appendix “B”) of this Recirculated RDEIR). On the basis of the NOP and public input, the scope of environmental resources and issues to be addressed in the DEIR for the initial proposed project was established and has not been changed other than the addition of the above noted Paige Avenue/Avenue 216 corridor where Alternatives 5 or 6 may be implemented if selected.

During preparation of the RDEIR, information was collected and analyzed on the various topics and issues described in the environmental checklist. From this analysis, it was found that a few issues from the checklist did not warrant an in depth analysis since they did not have the potential to be significantly impacted. These issues associated with consideration of Alternatives 5 and 6 are indicated in **Table 3-1** and are not evaluated further in this document since they would not result in significant impacts on the environment. **Table 3-2** considers impacts of Alternatives 5 and 6 that would result in less than significant impacts, while **Table 3-3** considers impacts of Alternatives 5 and 6 that would result in less than significant impacts with mitigation.

#### CHAPTER 4 Cumulative Impacts

Summarizes the cumulative impacts addressed in Chapter 3. The chapter concludes that there would no adverse, cumulative impacts as a result of the Project.

#### CHAPTER 5 Alternatives

Describes and evaluates alternatives to the proposed Project. The proposed Project is compared to each alternative, and the potential environmental impacts of each are analyzed. This chapter concludes that Alternative 2 (connection to City of Tulare), regardless of pipeline diameter (i.e., 27-inches or greater) could accommodate Matheny Tract wastewater flows.

#### CHAPTER 6 Social, Economic and Growth Inducing

Summarizes economic, social, and growth inducing impacts. This chapter concludes that there would be no adverse economic or social impacts and the Project would not result in growth inducement as it could accommodate both current and *planned* (emphasis added) future growth.

#### CHAPTER 7 Immitigable Impacts

Evaluates, describes, and/or summaries CEQA-required subject areas: Environmental Effects That Cannot be Avoided, Irreversible Impacts, and Statement of Overriding. It concludes that the Project would result in no immitigable impacts.

## CHAPTER 8 Mitigation Monitoring and Reporting Program

Contains the mitigation monitoring and reporting program (MMRP) that summarizes the environmental issues, the significant mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures. The MMRP is also included in the Executive Summary.

## CHAPTER 9 Report Preparation

Provides a summary of those whom assisted/contributed to preparation of the draft and final EIRs.

## Chapter 10 References

Provides a list of references used in the document.

## CHAPTER 11 Response to Comments

Contains the Response to Comments received during the 45-day review period.

## APPENDICES

Following the main body of text in the EIR, several appendices and technical studies have been included as reference material. The reader is reminded that the appendices contained in the initial Draft EIR are incorporated by reference in their entirety.

## **ENVIRONMENTAL REVIEW PROCESS**

Pursuant to CEQA Guidelines §15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for the initial Draft EIR for review and comment beginning on January 13, 2017 for a 30-day comment period which was then extended 37-days to March 30, 2017. Comments received on the NOP are included in Appendix “\_” of the initial draft EIR. A copy of the NOP is included in Appendix “E” of the Draft EIR.

Consistent with CEQA Guidelines Section 15103, "Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entities have a response to make and may ignore a late response."<sup>7</sup>

A scoping meeting was held on February 9, 2017. No persons, agencies or other interested persons attended the scoping meeting. As indicated earlier, Appendix “E” of the DEIR contains a copy of the NOP processing.

Section 15093 of the State CEQA Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the project. If

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<sup>7</sup> CEQA Guidelines, Section 15103

the benefits of the project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project's benefits to the public.

As noted in CEQA Guidelines § 15105 (a), a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days. However, consistent with Appendix K of the CEQA Guidelines, a 30-day review period was requested by RMA and granted by OPR/SCH. As such, the Recirculated Draft EIR public review period began October 24, 2017 and ended on November 22, 2017. RMA received five comments regarding the RDEIR which are included earlier in this chapter. Staff prepared responses to comments, forwarded said responses to commenting responsible agencies, and completed the Final EIR. The Final EIR was then forwarded to the County of Tulare Board of Supervisors for consideration of certification and adoption of the Final EIR for the Matheny Tract Wastewater System Project. Following the Board's approval, a Notice of Determination will then be filed with the County Tulare County Clerk and also forwarded to the State of California, Office of Planning and Research, State Clearinghouse.

## ORGANIZATIONS CONSULTED

Appendix “H” of the Draft EIR contains the Notice of Preparation listing all of the agencies receiving the NOP; below (in Appendix “H”) – is a table showing recipient of the Notice of Availability.

### NOTICE OF AVAILABILITY – DRAFT EIR MATHENY TRACT WASTEWATER SYSTEM PROJECT

AGENCY/ENTITY/INTERESTED PARTY	DOCUMENTS SENT				DELIVERY METHOD						DATE
	Cover Letter	NOA	Hard Copy	CD & Electronic Filing Form	E-mail	FedEx	Standard US Mail	Certified US Mail	Return Receipt	Hand Delivered/ Interoffice	
NEWSPAPER											
Visalia Times Delta - Confirmed		X			X						6/30/17
LIBRARIES AND AGENCY OFFICE FOR PUBLIC VIEWING											
Tulare County Resource Management Agency Website	<a href="http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planningdocuments/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/">http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planningdocuments/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/</a>										
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394		X	X							X	6/30/17
Tulare Library 475 N. Main Street Tulare, CA 93274		X	X							X	6/29/17
Tipton Branch Library 301 E. Woods Tipton, CA 93272		X	X							X	6/30/17
STATE CLEARINGHOUSE – 15 COPIES Agencies below marked on NOC as “X”	X		Executive Summary	X		X					6/29/17
Air Resources Board											
Caltrans District #6											
Central Valley Flood Protection Board											
Department of Conservation											
Department of Fish and Wildlife Region #4											
Native American Heritage Commission											
Office of Historic Preservation											
Regional Water Quality Control Board District #5											
State Water Resources Control Board – Clean Water Grants											
State Water Resources Control Board – Water Quality											

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MATHENY TRACT WASTEWATER SYSTEM PROJECT**

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Department of Toxic Substances Control											
Department of Water Resources											
<b>FEDERAL AGENCIES</b>											
<b>STATE/REGIONAL AGENCIES</b>											
San Joaquin Valley Unified Air Pollution Control District 1990 E. Gettysburg Ave. Fresno, CA 93726		X					X				6/29/17
Southern California Edison Attn: Calvin Rossi 2425 S. Blackstone St. Tulare, CA 93274		X					X				6/29/17
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292		X					X				6/29/17
<b>LOCAL AGENCIES</b>											
City of Tulare Community Development Director 411 E. Kern Avenue Tulare, CA 93274		X					X				6/29/17
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291		X					X				6/29/17
Tulare County Fire Warden 907 W. Visalia Road Farmersville, CA 93223		X					X				6/29/17

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	Cover Letter	NOA	Hard Copy	CD & Electronic Filing Form	E-mail	FedEx	Standard US Mail	Certified US Mail	Return Receipt	Hand Delivered/ Interoffice	
Tulare County Health and Human Services Dept. Environmental Health Division Attn: Allison Shuklian 5957 S. Mooney Blvd Visalia, CA 93277		X								X	6/30/17
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291		X					X				6/29/17
Tulare County RMA 5961 S. Mooney Blvd. Visalia, CA 93277											
– Fire		X								X	6/30/17
– Flood Control		X								X	6/30/17
– Planning		X								X	6/30/17
–Public Works		X								X	6/30/17
Tulare County Sheriff's Office 2404 W. Burrel Avenue Visalia, CA 93291-4580		X									6/29/17
<b>MILITARY</b>											
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132		X									6/29/17
<b>TRIBES</b>											
Kitanumuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA 93305	X	X									6/29/17

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Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X	X									6/29/17
Santa Rosa Rancheria Tachi Yokut Tribe Hector Franco, Cultural Coordinator P. O. Box 8 Lemoore, CA 93245	X	X									6/29/17
Santa Rosa Rancheria Tachi Yokut Tribe Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X	X									6/29/17
Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA 93626	X	X									6/29/17
Table Mountain Rancheria Bob Pennell, Cultural Resources Director P.O. Box 410 Friant, CA 93626	X	X									6/29/17
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X	X									6/29/17
Tule River Indian Tribe Tribal Archaeological Department Joey Garfield, Tribal Archeologist P.O. Box 589 Porterville, CA 93258	X	X									6/29/17



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Wuksachi Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X	X									6/29/17
Wuksache Indian Tribe John Sartuche 1028 East “K” Street Visalia, CA 93292	X	X									6/29/17
<b>OTHER INTERESTED PARTIES</b>											

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Resources Agency											
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Department of Toxic Substances Control											
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– Fire		X								X	10/23/17
– Flood Control		X								X	10/23/17
– Planning		X								X	10/23/17
–Public Works		X								X	10/23/17
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Santa Rosa Rancheria Tachi Yokut Tribe Hector Franco, Cultural Coordinator P. O. Box 8 Lemoore, CA 93245	X					X				10/23/17	

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Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA 93626	X					X				10/23/17	
Table Mountain Rancheria Bob Pennell, Cultural Resources Director P.O. Box 410 Friant, CA 93626	X					X				10/23/17	
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274	X					X				10/23/17	
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X					X				10/23/17	
Tule River Indian Tribe Tribal Archaeological Department Joey Garfield, Tribal Archeologist P.O. Box 589 Porterville, CA 93258	X					X				10/23/17	
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X					X				10/23/17	
Tule River Indian Tribe Felix Christman, Tribal Archaeological Monitor P. O. Box 589 Porterville, CA 93258	X					X				10/23/17	

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Wuksache Indian Tribe John Sartuche 1028 East “K” Street Visalia, CA 93292	X					X				10/23/17	
<b>OTHER INTERESTED PARTIES</b>											

# Attachment 1

Comments Received from  
State Water Resources Control Board (SWRCB)  
and  
County Response to Comments



# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277.  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 5, 2017

Cedric Irving, Environmental Scientist  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-100

Subject: Response to Comments, DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Irving,

Thank you for providing the California Water Boards, State Water Resources Control Board (State Water Board or Water Board) response regarding DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The County of Tulare acknowledges and recognizes the State Water Board's authority and expertise regarding water-related resources. The Final EIR (see below for website link) includes responses to the Water Board's comments which were prepared by Resource Management Agency (RMA) staff.

**Comment Subject: Overview by the State Water Board regarding state and federal funding and environmental reporting requirements; comments regarding state and federal special status species, consultation with USFWS, NPDES, and the EIR Project Description.**

**Comment:** *The Water Board provided an overview of state/federal funding and the environmental reporting requirements (i.e., CEQA and NEPA); including consultation with Section 7 clearance from USFWS and Section 106 of the NHPA.*

**Response:** The County is aware of NEPA-related environmental requirements such as Sections 7 and 106 clearances. However, until the CEQA process has been completed; in this case an EIR, it is premature to initiate the NEPA-related process. Upon certification by the Tulare County Board of Supervisors (BOS), the County will initiate the NEPA process.

The Water Board's comment letter includes items A thru I, many of which have been addressed in the DEIR and are discussed in the respective resource section (i.e.; Chapters 3.1 thru 3.18). The narrative below summarizes the resource sections discussions relative to items A thru I:

- A. Chapter 5 of the DEIR contains an Alternatives discussion as required by CEQA Guidelines section 15326;
- B. A public hearing by the Tulare County Board of Supervisors is scheduled for September 26, 2017;



- C. The Project complies with the Federal Clean Air Act. Chapter 3.3 of the DEIR discusses the air resource. The San Joaquin Valley Unified Air Pollution Control District (Air District) was consulted and has provided comments (see Final EIR) regarding the project. In summary, the Air District concluded that the project would not result in any threshold exceedances;
- D. The project is approximately 150 miles east of any coastal zone;
- E. The project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR);
- F. The project will be constructed within existing rights-of-way; as such, no farmlands of any classification will be impacted (see Chapter 3.2 of the DEIR);
- G. The project will be constructed within existing rights-of-way; as such, no critical habitat that can be used by migratory birds will be impacted (see Chapter 3.4 of the DEIR);
- H. The project lies within Flood Zone X, as such, the potential for flooding is considered minimal (See Chapter 3.9 of the DEIR); and
- I. The project is located approximately 60 miles southwest of the nearest wild/scenic river.

Specific comments on the County's draft EIR were provided by the Water Board as follows:

**Comment No. 1.:** *"What type of habitat is available for available for which federally-listed species in the Project APE? How would the project potentially indirectly or directly affect these species?"*

**Response:** Based on the information contained in Chapter 3.4 of the DEIR, the fact that all construction-related activities will occur within County rights-of-way, the absence of any natural occurring habitat, intensive urban-type uses (predominantly residential), intensive and on-going, active agriculturally productive land surrounding the project site to the north, west, and south, and industrial-related uses to the east; and the documented absence of sensitive species in both the CNDDDB and IPaC data bases (with the exception of historical San Joaquin kit fox range and a Swainson's Hawk nest approximately 1,560 feet SWHA south of North Matheny Tract); it is unlikely that the project would result in a direct or indirect impact to any state- or federally-listed species. Also, the County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities to ensure appropriate actions are taken to protect sensitive species if such species are encountered.

**Comment No. 2.:** *"Is there no foraging habitat, or is the habitat only suitable for transient wildlife activity?"*

**Response:** See Response to Comment No. 1. Also, the areas where the construction-related activities will occur has the potential for transient wildlife activity; however, it is unlikely that the transient wildlife would be a special status species.

**Comment No. 3.:** *"Has the County engaged in any correspondence or consultation with the CA Department of Fish [and] Wildlife or the USFWS regarding this Project?" "What related*



*vegetation removal is anticipated due to Project activities, and what will the worker environmental awareness training consist of?*

**Response:**

CDFW is aware of and has commented on the project. The County received a comment letter from CDFW (see Final EIR Response to Comments as provided in the web link, below); however, as indicated earlier, it would be premature to initiate consultation with USFWS until the Tulare County BOS certifies/approves the Final EIR. As indicated earlier, as the areas where the construction-related activities will occur within County rights-of-way, it is highly unlikely any vegetation will be removed due to constant, reoccurring vehicle disturbance. The County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities. In the event of special status plant(s) occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. The County is relying on the expertise of the qualified biologist to provide adequate environmental awareness; as such, the County would support recommendations by the qualified biologist regarding the content of training.

**Comment No. 4.:**

*“Page 3.19-6 indicates four (4) special status species are known to occur in the vicinity of the proposed Project action area, and “at least two special-status species...are known to forage and inhabit the Project vicinity.” Are these finding based on anything more than the 2014 biological studies and the 2017 updated CNDDDB species list?”*

**Response:**

Yes and No. Desktop searches of the CNDDDB and IPac were used to identify the two special status species recorded within the project vicinity. County staff visited the site, several times, and based on our non-expert observations, did not observe any suitable foraging or habitat lands. There are several large oak trees located approximately 1,500 feet southeast of North Matheny Tract that may be suitable for nesting and it is possible that wildlife (regardless of status) may forage within or near the project site. As such, the County will rely on the pre-construction survey by a qualified biologist prior to determining habitat or presence of special status species prior to initiation of any active construction-related activities. As indicated earlier, based upon the areas where the construction-related activities will occur, it is unlikely that any special status species' foraging or habitat would be impacted by the project.

**Comment No. 5.:** *“In order for the State Water Board to initiate Section 7 consultation with the USFWS, the biological assessment needs to be updated...” “The Project APE requires an updated field survey based on current species lists, and project specific findings made by a qualified biologist.”*

**Response:**

The County concurs. As indicated earlier, until the Final EIR is certified/adopted by the Tulare County BOS, it would be premature to retain a qualified biologist to prepare the necessary field survey and findings to initiate consultation with USFWS. Regarding 5.a. and b., the use of the “Biotic Evaluation for Derrel’s Mini Storage” and the “Proposed Plainview Wastewater System Alternatives” are relevant as they demonstrate typical mitigation measures and/or habitat for special status species within Tulare County and the



similarity of a wastewater system project alternatives. As noted earlier, the County will rely on a qualified biologist prior to determining presence or absence of habitat or special status species, and rely on the biologist's expertise in recommending appropriate mitigation measures in the event of special status species occurrence.

**Comment No. 6.:** *"What are the anticipated update to the requirements [of] the County's National Pollutant Discharge Elimination System (NPDES) permit and/or waste discharge requirements?"*

**Response:** The County is not the operator of the wastewater treatment facility where wastewater from Matheny Tract would be conveyed. Rather, the City of Tulare, as the wastewater treatment operator would need to re-visit their existing NPDES permit to ensure compliance with their NPDES permit as appropriate.

**Comment No. 7.:** *"...please provide the (length, width, and depth) dimensions of all excavations required for the proposed pipeline, lift station(s), and sewer manholes. Please indicate how wide the construction corridor, and identify the location of the "undeveloped, fallow, or vacant properties" that would be used for equipment staging."*

**Response:** Until final design/engineering of the wastewater collection system is completed, the County cannot accurately provide the specific dimensions or location information requested by the State Water Board.

**Comment Subject:** **The Water Board requests CEQA documentation applicable to the proposed Project.**

**Response:** For clarification, the County has provided an electronic copy of the Draft EIR and a link (below) to the Final EIR to the State Water Board. Hard copies can be provided upon completion of the CEQA process. The County will provide the appropriate CEQA resolution and Findings of Fact upon BOS certification/approval of the Final EIR. The Final EIR includes all comments received and the County's [rather than "the District" as indicated in the Water Board's comment letter] response to comments. The adopted MMRP and the NOD will also be forwarded to the State Water Board as requested. Although outside of the context of this DEIR, the County makes every effort to provide hearing or meeting notices to the applicable responsible or trustee agency(ies) as required by CEQA.

The Final EIR will be taken to the Tulare County Board of Supervisors on September 26, 2017 for consideration of certification/adoption. The Final EIR will be available on September 15, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system-project/matheny-tract-wastewater-system-final-environmental-impact-report-feir/>

*Response to Comment from  
Mr. Cedric Irving  
State Water Boards  
RE: DEIR for Matheny Tract Wastewater System Project  
SCH# No. 2017011028  
December 5, 2017*

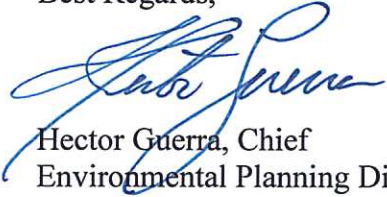
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*Page 5*

In closing, we sincerely appreciate the State Water Board's comments which will be useful toward ensuring that the proposed Project complies with the State Water Board's requirements as applicable in regards to water resources matters and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachment (1) Letter received from Mr. Cedric Irving, August 4, 2017, for Matheny Tract Wastewater Treatment #2017011028.  
See Final EIR link noted earlier which includes responses to the State Water Boards' comments.

cc: file





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

**AUG 04 2017**

Hector Guerra, Chief Env. Planner  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277

Dear Mr. Guerra:

ENVIRONMENTAL IMPACT REPORT (EIR) FOR TULARE COUNTY RESOURCE MANAGEMENT AGENCY (COUNTY); MATHENY TRACT WASTEWATER SYSTEM PROJECT (PROJECT); TULARE COUNTY; STATE CLEARINGHOUSE NO. 2017011028

We understand that the County is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-7836-210). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml). The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to The State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The County will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the County decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the County will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a 1/2-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)):

- A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, MND or EIR) or in a separate report.
- B. A public hearing or meeting for adoption/certification of all projects except for those with little or no environmental impacts.
- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.



- E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's draft EIR:

- 1. Page 3.19-6 of the EIR indicates "based on the location and geographic condition of the proposed Project site, there is potential for the animal species to occur or forage [adjacent to the] site that may be impacted by the proposed Project activities." What type of habitat is available for which federally-listed species in the Project APE? How would the Project potentially indirectly or directly affect these species?
- 2. Page 3.19-6 also indicates "there is no habitat whatsoever where any special status species may occur within or adjacent to the Project." Is there no foraging habitat, or is the habitat only suitable for transient wildlife activity?
- 3. Page 3.19-6 indicates "however unlikely an occurrence may occur, Mitigation Measures 3.4-1 through 3.4-7 ...would minimize potential impact to sensitive biological resources thereby limiting the potential impacts to Less Than Significant." and "minimization assumes some impact, for which consultation is required. As the Agency initiates the consultation process, they offer to provide worker environmental awareness training and to revegetate disturbed areas with trees and grass from on the site or adjacent areas."
  - a) Has the County engaged in any correspondence or consultation with the CA Department of Fish Wildlife or the USFWS regarding this Project?
  - b) If no adequate consultation has already been conducted, under Section 7 of the Endangered Species Act, State Water Board will coordinate with the USEPA to initiate informal consultation with the USFWS based on the Project's potential to affect the San Joaquin kit fox, and other federally-listed special status species. What related vegetation removal is anticipated due to Project activities, and what will the worker environmental awareness training consist of?
- 4. Page 3.19-6 indicates four (4) special status species are known to occur in the vicinity of the proposed Project action area, and "at least two special-status species (San Joaquin kit fox and Swainson's hawk) are known to forage and inhabit the Project vicinity." Are these findings based on anything more than the 2014 biological studies and the 2017 updated California Natural Diversity Database (CNDDB) species list?



5. In order for the State Water Board to initiate Section 7 consultation with the USFWS, the biological assessment needs to be updated, including obtaining a current, official USFWS sensitive species list (<http://ecos.fws.gov/ipac/>). The Project APE requires an updated field survey based on current species lists, and project-specific findings made by a qualified biologist.
  - a) The plants report, dated September 11, 2014, "Biotic Evaluation for Derrel's Mini Storage" is not project-specific and is outdated. Contrary to the current Project's conclusions this report indicates "The project will not result in significant impact to any biological resources, and mitigation measures that would reduce impacts have not been proposed, nor would any measures be warranted."
  - b) The biological assessment, dated December 10, 2014, "Three Proposed Plainview Wastewater System Alternatives" is not project-specific and comes to different conclusions because there is habitat here. This October 14, 2014 USFWS species list should be updated and be specific to the project footprint.
6. What are the anticipated updates to the requirements the County's National Pollutant Discharge Elimination System (NPDES) permit and/or waste discharge requirements?
7. On page 2-4 of the EIR, in the Project Description," please provide the (length, width, and depth) dimensions of all excavations required for the proposed pipeline, lift station(s), and sewer manholes. Please indicate how wide the construction corridor, and identify the location of the "undeveloped, fallow, or vacant properties" that would be used for equipment staging.

Please provide us with the following documents applicable to the proposed Project following the County's CEQA process: (1) one copy of the draft and final EIR, (2) the resolution certifying the EIR and making CEQA findings, (3) all comments received during the review period and the District's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the Tulare County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the County's draft EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at [Cedric.Irving@waterboards.ca.gov](mailto:Cedric.Irving@waterboards.ca.gov), or contact Ahmad Kashkoli at (916) 341-5855, or by email at [Ahamd.Kashkoli@waterboards.ca.gov](mailto:Ahamd.Kashkoli@waterboards.ca.gov).

Sincerely,



Cedric Irving  
Environmental Scientist

Enclosures: See next page



Mr. Guerra  
Tulare County Resource Management Agency

- 5 -

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse  
(Re: SCH# 2017011028)  
P.O. Box 3044  
Sacramento, CA 95812-3044



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Tulare County  
Resource Management  
Agency

NOV 17 2017

NOV 22 2017

Hector Guerra, Chief Env. Planner  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277

Dear Mr. Guerra:

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (RDEIR) FOR TULARE COUNTY RESOURCE MANAGEMENT AGENCY (COUNTY); MATHENY TRACT WASTEWATER SYSTEM PROJECT (PROJECT); TULARE COUNTY; STATE CLEARINGHOUSE NO. 2017011028

We understand that the County is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-7836-210). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the RDEIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml). The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or the RDEIR representatives will need to be resolved prior to The State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance

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from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The County will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the County decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the County will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)):

- A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, MND or RDEIR) or in a separate report.
- B. A public hearing or meeting for adoption/certification of all projects except for those with little or no environmental impacts.
- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.



- D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
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- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's RDEIR:

- 1. Page 4-22 of the RDEIR indicates the 42-inch diameter pipeline alternative would not induce population growth; however, the increased pipeline diameter is to accommodate future development (capacity increase) for future build-out flows. Please explain how the 42-inch alternative accommodates population growth and development already contemplated in the Tulare County general plans, and would not induce new projects.
  - 2. Page 3.19-6 of the Original Environmental Impact Report indicates "based on the location and geographic condition of the proposed Project site, there is potential for the animal species to occur or forage [adjacent to the] site that may be impacted by the proposed Project activities." What type of habitat is available for which federally-listed species in the Project APE? How would the Project potentially indirectly or directly affect these species?
  - 3. Page 3.19-6 also indicates "there is no habitat whatsoever where any special status species may occur within or adjacent to the Project." Is there no foraging habitat, or is the habitat only suitable for transient wildlife activity?
  - 4. Page 3.19-6 indicates "however unlikely an occurrence may occur, Mitigation Measures 3.4-1 through 3.4-7 ...would minimize potential impact to sensitive biological resources thereby limiting the potential impacts to Less Than Significant." and "minimization assumes some impact, for which consultation is required. As the Agency initiates the consultation process, they offer to provide worker environmental awareness training and to revegetate disturbed areas with trees and grass from on the site or adjacent areas."
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  - b) If no adequate consultation has already been conducted, under Section 7 of the Endangered Species Act, State Water Board will coordinate with the USEPA to initiate informal consultation with the USFWS based on the Project's potential to affect the San Joaquin kit fox, and other federally-listed special status species. What



related vegetation removal is anticipated due to Project activities, and what will the worker environmental awareness training consist of?

5. Page 3.19-6 indicates four (4) special status species are known to occur in the vicinity of the proposed Project action area, and "at least two special-status species (San Joaquin kit fox and Swainson's hawk) are known to forage and inhabit the Project vicinity." Are these findings based on anything more than the 2014 biological studies and the 2017 updated California Natural Diversity Database (CNDDDB) species list?
6. In order for the State Water Board to initiate Section 7 consultation with the USFWS, the biological assessment needs to be updated, including obtaining a current, official USFWS sensitive species list (<http://ecos.fws.gov/ipac/>). The Project APE requires an updated field survey based on current species lists, and project-specific findings made by a qualified biologist.
  - a) The plants report, dated September 11, 2014, "Biotic Evaluation for Derrel's Mini Storage" is not project-specific and is outdated. Contrary to the current Project's conclusions this report indicates "The project will not result in significant impact to any biological resources, and mitigation measures that would reduce impacts have not been proposed, nor would any measures be warranted."
  - b) The biological assessment, dated December 10, 2014, "Three Proposed Plainview Wastewater System Alternatives" is not project-specific and comes to different conclusions because there is habitat here. This October 14, 2014 USFWS species list should be updated and be specific to the project footprint.
7. What are the anticipated updates to the requirements the County's National Pollutant Discharge Elimination System (NPDES) permit and/or waste discharge requirements?
8. On page 2-4 of the Original Environmental Impact Report, in the Project Description," please provide the (length, width, and depth) dimensions of all excavations required for the proposed pipeline, lift station(s), and sewer manholes. Please indicate how wide the construction corridor, and identify the location of the "undeveloped, fallow, or vacant properties" that would be used for equipment staging.

Please provide us with the following documents applicable to the proposed Project following the County's CEQA process: (1) one copy of the draft and final RDEIR, (2) the resolution certifying the RDEIR and making CEQA findings, (3) all comments received during the review period and the District's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the Tulare County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the County's RDEIR. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at [Cedric.Irving@waterboards.ca.gov](mailto:Cedric.Irving@waterboards.ca.gov), or contact Ahmad Kashkoli at (916) 341-5855, or by email at [Ahamd.Kashkoli@waterboards.ca.gov](mailto:Ahamd.Kashkoli@waterboards.ca.gov).

Sincerely,

Cedric Irving  
Environmental Scientist

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse  
(Re: SCH# 2017011028)  
P.O. Box 3044  
Sacramento, CA 95812-3044

# Attachment 2

Comments Received from  
San Joaquin Valley Unified Air Pollution  
Control District (Air District)  
and  
County Response to Comments





# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277.  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

Brian Clements, Program Manager  
San Joaquin Valley Unified Air Pollution Control District  
1990 E. Gettysburg  
Fresno, CA 93726-0244

Subject: Response to Comments, Recirculated DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Clements,

Thank you for providing the San Joaquin Valley Unified Air Pollution Control District (Air District) response regarding Recirculated DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The County of Tulare acknowledges and recognizes the Air District's authority and expertise regarding air quality matters. The Final EIR (see below for website link) includes a response to the Air District's comments which was prepared by Resource Management Agency (RMA) staff.

## From August 9, 2017:

**Comment:** *"Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality"*

**Response:** No response necessary. The County appreciates notification that the project would not exceed District significance thresholds for NOX, ROG, and PM10.

**Comment:** *"Based on information provided to the District, the proposed project would equal or exceed 9,000 square feet of other (Rule 9510 Section 2.1.10, 9,000 square feet of space not identified). Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review)."*

**Response:** No response necessary. The County will comply with the requirements of Air District Rule 9510.

**Comment:** *"The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive."*



**Response:** The County will comply with applicable Air District rules/regulations.

**Comment:** *"The District recommends that a copy of the District's comments be provided to the project proponent."*

**Response:** As the County is the applicant, the District's comments have been received by the applicant.

**From November 17, 2017:**

**Comment Subjects:** The Project will not exceed criteria pollutant thresholds; the Project subject to Rule 9510 (Indirect Source Review), although subject to Rule 9510, the Project is expected to result in minimal operational emissions; the Project may be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); other rules may apply to the Project; and the Air District recommends that a copy of the District's comments be provided to the Project proponent.

**Response:** *As the agency with the foremost authority regarding the air quality resource, Staff appreciates the Air District's comments regarding the DEIR. We agree with the Air District's determination that the project will not exceed criteria pollutant. The County further concurs that, despite the Project ultimately resulting in an overall public benefit by providing an alternative to individual septic systems and will only result in short-term, temporary construction-related emissions, the Project is subject to Rule 9510 (Indirect Source Review). The County appreciates the Air District's notification that the Project is subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and possibly other rules to ensure County compliance with applicable Air District rules/regulations and permitting requirements. Lastly, as the applicant is the County of Tulare, the County is in receipt of the Air District's comments. Also, see Exhibit "A" Response to San Joaquin Valley Unified Air Pollution Control District.*

The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

[http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny tract-wastewater-system-project/matheny tract-wastewater-system-final-environmental-impact-report-feir/](http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny%20tract-wastewater-system-project/matheny%20tract-wastewater-system-final-environmental-impact-report-feir/)

In closing, we sincerely appreciate the Air District's comments which will be useful toward ensuring that the proposed Project complies with applicable Air District rules/regulations in regards to air quality-related matters.

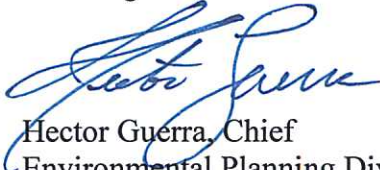
*Response to Comment from  
Mr. Brian Clements  
San Joaquin Valley Unified Air Pollution Control District  
RE: DEIR for Matheny Tract Wastewater System Project  
SCH# No. 2017011028  
December 8, 2017*

---

*Page 3*

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", is written over the printed name.

Hector Guerra, Chief  
Environmental Planning Division

Attachment (1) Comment letter received from San Joaquin Valley Air Pollution Control District, August 9 and November 14, 2017 for Matheny Tract Wastewater Treatment #2017011028. See Final EIR link noted earlier which includes Response to Air District comments.

cc: file





# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT



August 9, 2017

Hector Guerra  
County of Tulare  
Resource Management  
5961 South Mooney Blvd.  
Visalia, CA 93277

### **Project: Matheny Tract Wastewater System DEIR**

**District CEQA Reference No: 20170796**

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the construction of wastewater collection laterals and other structural support for connection to collection lines leading to the existing City of Tulare wastewater treatment plant. This project is located in the unincorporated Matheny Tract community approximately one half mile south of the City of Tulare, in Tulare County, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project would equal or exceed 9,000 square feet of other (Rule 9510 Section 2.1.10, 9,000 square feet of space not identified). Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that

**Sayed Sadredin**  
Executive Director/Air Pollution Control Officer

---

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

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Cherie Clark at (559) 230- 5940.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



For:  
Brian Clements  
Program Manager

AM: cc





# San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



November 27, 2017

Tulare County  
Resource Management  
Agency

NOV 29 2017

Hector Guerra  
County of Tulare  
Economic Development and Planning Department  
5961 South Mooney Boulevard  
Visalia, CA 93277

**Project: Recirculated Draft Environmental Impact Report (DEIR)- Matheny Tract Wastewater System Project**

**District CEQA Reference No: 20171166**

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the recirculated DEIR project referenced above consisting of developing a wastewater system to connect to an existing wastewater facility and the abandonment of the individual septic tanks and leech fields, located in the Matheny Tract subdivision, in Tulare County, CA. The District has previously commented on this project and has no additional comments at this time.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Cherie Clark at (559) 230-5940.

Sincerely,

Arnaud Marjollet  
Director of Permit Services

*Cherie J. Clark for*  
Brian Clements  
Program Manager

AM: cc

Sayed Sadredin  
Executive Director/Air Pollution Control Officer

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

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

[www.valleyair.org](http://www.valleyair.org)

[www.healthyairliving.com](http://www.healthyairliving.com)

# Attachment 3

Comments Received from  
California Department of Transportation (Caltrans)  
and  
County Response to Comments



# RESOURCE MANAGEMENT AGENCY

**5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277 .**  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

David Deel, Associate Transportation Planner  
North Planning Branch  
Department of Transportation – District 6  
P.O. Box 12616  
Fresno, CA 93778-2616

Subject: Response to Comments, Recirculated DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Deel,

Thank you for providing the Department of Transportation – District 6 (Caltrans) response regarding DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The County of Tulare acknowledges and recognizes the Caltrans' authority and expertise regarding transportation-related matters which may impact State facilities. The Final EIR (see below for website link) includes a response to Caltrans' comment which was prepared by Resource Management Agency (RMA) staff.

**Comment Subject: Draft EIR for Matheny Tract Wastewater System Project**

**Comment:** "Caltrans has a "NO COMMENT" on the recirculated DEIR for the Matheny Tract. As indicated in the project documents and our review, all work would be performed outside the State's ROW including the additional two proposed alternatives which do not alter the boundaries of the proposed work sites"

**Response:** No response necessary. Caltrans' response demonstrates that the agency has received and reviewed the DEIR and has no comment.

The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system-project/matheny-tract-wastewater-system-final-environmental-impact-report-feir/>

In closing, we sincerely appreciate the Caltrans' comment which will be useful toward ensuring that the proposed Project complies with Department of Transportation requirements as applicable in regards to transportation-related matters which may impact State facilities, and with the California Environmental Quality Act.


*Response to Comment from  
Mr. David Deed, Associate Transportation Planner  
CALTRANS, District 6  
RE: DEIR for Matheny Tract Wastewater System Project  
SCH# No. 2017011028  
December 8, 2017*

---

*Page 2*

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,

A handwritten signature in blue ink, appearing to read "Hector Guerra", is written over the typed name.

Hector Guerra, Chief  
Environmental Planning Division

Attachments (1) E-mail received from Mr. David Deel, October 31, 2017, for Matheny Tract Wastewater Treatment #2017011028.  
See Final EIR link noted earlier which includes Response to Caltrans comments.

cc: file



**From:** Hector Guerra  
**To:** Jessica Willis  
**Date:** 12/8/2017 11:41 AM  
**Subject:** Fwd: RE: Matheny Tract Recirculated DEIR

>>> "Deel, David@DOT" <[david.deel@dot.ca.gov](mailto:david.deel@dot.ca.gov)> 10/31/2017 10:28 AM >>>  
Hector -

Caltrans has a "NO COMMENT" on the recirculated DEIR for the Matheny Tract.

As indicated in the project documents and our review, all work would be performed outside the State's ROW including the additional two proposed alternatives which do not alter the boundaries of the proposed work sites.

If you have further questions, please contact me.

DAVID DEEL | Associate Transportation Planner  
Desk: 559.488.7396  
Office of Planning & Local Assistance - North Section  
IGR & Transit Representative - Tulare County  
Training Coordinator - Planning Unit

CALTRANS - District 6  
1352 W. Olive Avenue (P.O. Box 12616)  
Fresno, CA 93778-2616

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□ □ ➔ □ □ □ □ ♥ □ □ □ [cid:image002.jpg@01D35233.09D107A0]□

\*[cid:image003.png@01D35233.09D107A0]□

Caltrans Mission: Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.

Caltrans Vision: A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.

-----Original Message-----

From: Hector Guerra [mailto:[HGuerra@co.tulare.ca.us](mailto:HGuerra@co.tulare.ca.us)]  
Sent: Tuesday, October 24, 2017 9:02 AM  
To: Deel, David@DOT <[david.deel@dot.ca.gov](mailto:david.deel@dot.ca.gov)>; CEQA@valleyair.org; Irving, Cedric@Waterboards <[cedric.irving@waterboards.ca.gov](mailto:cedric.irving@waterboards.ca.gov)>; Robison, Renee@Wildlife <[Renee.Robison@Wildlife.ca.gov](mailto:Renee.Robison@Wildlife.ca.gov)>  
Subject: Matheny Tract Recirculated DEIR

Good Morning Everyone,

Thank you everyone for agreeing to a shortened review period of 30-days (review ends 11/22/17). The Matheny Tract Recirculated DEIR is available at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>

This RDEIR emphasizes two alternatives suggested by the City of Tulare, the initial DEIR (also available at the website) remains valid and is incorporated by reference in its entirety. As this component of the overall project is limited to the Paige Avenue/Avenue 216 corridor, the analysis of potential impacts is generally limited to that corridor. The RDEIR contains its own chapters regarding cumulative impacts, growth inducing impacts, alternatives, immitigable impacts, and mitigation monitoring and reporting program.

The shortened review period will allow us the opportunity to take the RDEIR to our Board of Supervisors for consideration of certification/adoption on Dec. 19, 2017.

Please do not hesitate to contact me by phone or email if you have any questions.

Very Best Regards,

Hector

559-624-7121

# Attachment 4

Comments Received from  
Southern California Gas Company (So Cal Gas)  
and  
County Response to Comments



# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277 .  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

James Chuang, Sr. Environmental Specialist  
Southern California Gas Company  
Sempra Energy Utilities  
GT17E2  
555 Firth Street  
Los Angeles, CA 90013

Subject: Response to Comments, DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Chuang,

Thank you for providing Southern California Gas Company (SoCalGas) response regarding DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The Final EIR (see below for website link) includes a response to the Air District's comment which was prepared by Resource Management Agency (RMA) staff.

**Comment Subject:** SoCalGas provided a list of facilities with the project site. "SoCalGas has the following facilities within the project site:

- A 20-inch high pressure transmission line underneath the southbound lanes along Pratt Street/Road 96 beginning at Clinton Avenue in the north and running south past the project site's southern boundary.
- Several 2-inch medium pressure distribution lines underneath Matheny Avenue and Prine Avenue in the southern portion of the project site with branching service lines to serve adjacent residences.
- Several 3-inch and 2-inch medium pressure distribution lines throughout all streets in the northern portion of the project area bounded by Pratt Street to the west, I Street to the east, Wade Avenue to the north and Addie Avenue to the south. Service lines branch from these pipelines to serve adjacent residences.

**Response:** *The County appreciates SoCalGas' information regarding the above noted facilities locations. Careful planning and diligence will be taken to ensure such facilities are not impacted by project-related excavation or other earthmoving activities.*

**Comment Subject:** SoCalGas recommends that the project proponent call Underground Service Alert at 811 at least two business days prior to performing any excavation work for future activities evaluated under both proposed plans. Underground Service Alert will coordinate with SoCalGas and other Utility owners in the area to mark the locations of buried utility-owned lines.

**Response:** *The County agrees that calling Underground Service Alert (USA) at 811 prior to performing any excavation work for future activities evaluated under both proposed plans (i.e., the initial and*



*Recirculated Draft EIRs). The County anticipates working with USA to coordinate with SoCalGas and other Utility owners in the area to mark the locations of buried utility-owned lines and appreciates the efforts of SoCalGas to ensure the safety of the County's residents relative to underground utilities.*

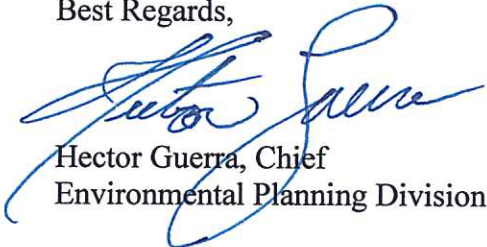
The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>

To reiterate, the County thanks and appreciates the effort by SoCalGas Company in providing this important information.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachment (1) Comment letter received from SoCalGas November 21, 2017, for Matheny Tract Wastewater Treatment #2017011028. See Final EIR link noted earlier which includes Response to Chevron's comments.

cc: file



James Chuang  
Senior Environmental Specialist

Southern California Gas Company  
Sempra Energy utilities  
GT17E2  
555 Fifth Street  
Los Angeles, Ca. 90013  
Tel: 213-244-5817  
Fax: 323 518 2324

11/21 /2017

Me. Hector Guerra  
Tulare County Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, CA 93277

**Re: Matheny Tract Wastewater System Project**

Dear Mr. Guerra:

Southern California Gas Company (SoCalGas) appreciates the opportunity to review and respond to the Recirculated Draft Environmental Impact Report (DEIR) for the Matheny Tract Wastewater System Project. SoCalGas understands that the proposed project would provide a new wastewater system for the Matheny Tract Community. This would involve construction of a new gravity wastewater collection system, one or more lift stations, sewer laterals from each property, and installation of 2,900 feet of 12-inch sewer main in Pratt Street from Matheny Tract to Paige Avenue to accommodate connection to the City of Tulare's existing 27-inch diameter sewer main at Paige Avenue and K Street. We respectfully request that the following comments be incorporated in the administrative record for the Recirculated DEIR:

- SoCalGas has the following facilities within the project site:
  - A 20-inch high pressure transmission line underneath the southbound lanes along Pratt Street/Road 96 beginning at Clinton Avenue in the north and running south past the project site's southern boundary.
  - Several 2-inch medium pressure distribution lines underneath Matheny Avenue and Prine Avenue in the southern portion of the project site with branching service lines to serve adjacent residences.
  - Several 3-inch and 2-inch medium pressure distribution lines throughout all streets in the northern portion of the project area bounded by Pratt Street to the west, I Street to the east, Wade Avenue to the north and Addie Avenue to the south. Service lines branch from these pipelines to serve adjacent residences.
- SoCalGas recommends that the project proponent call Underground Service Alert at 811 at least two business days prior to performing any excavation work for future activities evaluated under both proposed

plans. Underground Service Alert will coordinate with SoCalGas and other Utility owners in the area to mark the locations of buried utility-owned lines.

Once again, we appreciate the opportunity to comment on the Recirculated DEIR. If you have any questions, please feel free to contact SoCalGas Environmental Review at [Envreview@semprautilities.com](mailto:Envreview@semprautilities.com) or (213) 244-5817.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Chuang', with a stylized flourish at the end.

James Chuang  
Senior Environmental Specialist  
Southern California Gas Company

Cc/ Jennifer Pezda, SoCalGas

# Attachment 5

Comments Received from Table Mountain





# TABLE MOUNTAIN RANCHERIA

## TRIBAL GOVERNMENT OFFICE

November 16, 2017

Hector Guerra, Chief Environmental Planner  
County of Tulare  
5961 South Mooney Blvd.  
Visalia, Ca. 93277

Leanne Walker-Grant  
Tribal Chairperson

Beverly J. Hunter  
Tribal Vice-Chairperson

Craig Martinez  
Tribal Secretary/Treasurer

Matthew W. Jones  
Tribal Council Member

Richard L. Jones  
Tribal Council Member

RE: Matheny Tract Wastewater System Project Feasibility Report

To: Hector Guerra

This is in response to your letter dated, October 23, 2017, regarding, Matheny Tract Wastewater System Project Feasibility Report.

We appreciate receiving notice; however, this project site is beyond our area of interest.

Sincerely,

Robert Pennell  
Cultural Resources Director

23736  
Sky Harbour Road  
Post Office  
Box 410  
Friant  
California  
93626  
(559) 822-2587  
Fax  
(559) 822-2693

# Attachment 6

Comments Received from the  
California Department of Fish and Wildlife (CDFW)  
and  
County Response to Comments



# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277.  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

Jim Vang, Environmental Scientist  
Department of Fish and Wildlife  
1234 E. Shaw Avenue  
Fresno, CA 93710

Subject: Response to Comments, DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Vang,

Thank you for providing the Department of Fish and Wildlife's (Department) response regarding DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The County of Tulare acknowledges and recognizes the Department's authority and expertise regarding fish and wildlife (biological) matters. The Final EIR includes a response to the Department's comment which was prepared by Resource Management Agency (RMA) staff (see below for website link).

**Comment Subjects:** Swainson's hawk, San Joaquin kit fox, and Special-Status Plants mitigation measures; and CNDDB reporting and filing fees

**Comment Subject:** Swainson's hawk (SWHA), a species listed as threatened pursuant to CESA, has the potential to nest in large trees adjacent to and within the Project site. Any take of SWHA without appropriate take authorization would be a violation of Fish and Game Code. CDFW recommends the following mitigation measures:

"SWHA Mitigation Measure 1: To evaluate potential Project related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory committee (SWHA TAC, 2000) prior to any Project implementation. If ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction."

"SWHA Mitigation Measure 2: if an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP) for SWHA is necessary prior to Project implementation to comply with CESA."

**Response:** *The County has clarified the MMRP consistent with CDFW's comments.*



**Comment Subject:** San Joaquin kit fox (SJKF), a species listed as threatened pursuant to CESA and endangered pursuant to the Federal Endangered Species Act (FESA), has the potential to occur on the Project site. Presence/absence in any one year is not necessarily a reliable indicator of SJKF to occur on a site. SJKF may be attracted to project areas due to the type and level of ground disturbance. Potentially significant impacts that may result from Project-related activities include loss of dens, entrapment, vehicle strikes, and direct mortality. Any take of SJKF without authorization would be a violation of Fish and Game Code.

“SJKF Mitigation 1: To evaluate potential Project related impacts, CDFW advises that the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (2011) be followed prior to any ground-disturbing activities occurring within the Project site. San Joaquin kit fox detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP for SJKF prior to any ground-disturbing activities.”

**Response:** *The County has clarified the MMRP consistent with CDFW’s comments.*

**Comment Subject:** The DEIR includes translocation as a potential mitigation measure for special-status plant species encountered during Project activities. Although the likelihood of State listed plant species locating on the Project site is low, translocation of such a species constitutes take and without an ITP would violate Fish and Game Code.

“Special Status Plant Mitigation Measure 1: CDFW recommends that a pre-construction surveys for special-status plants be conducted by a qualified botanist following the “Protocols for Surveying and Evaluation Impacts to Special Status Native Plant Populations and Natural Communities” (CDFG, 2009). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.”

“Special Status Plant Mitigation Measure 2: If detected during pre-construction surveys. CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the United States Fish and Wildlife Service (USFWS) be initiated to determine permitting needs.”

**Response:** *The County has clarified the MMRP consistent with CDFW’s comments.*

**Comment Subject:** Editorial Comments/Suggestions

**Comment Subjects:** CDFW recommends fully addressing avoidance, minimization, and mitigation measures for SWHA, SJKF, and special-status plant species and that these measures be included in the enforceable mitigation measures in the final EIR.



**Response:** *The County believes it has provided sufficient mitigation measures based upon the existing baseline of absence of special status species. If, during pre-construction survey(s), any special-status species are encountered CDFW and/or USFWS will be consulted. The mitigation measures include “next steps” if a qualified biologist encounters special status species; until such time, the County has determined that the mitigation measures contained in the MMRP satisfy CEQA.*

**Comment Subjects:** CDFW recommends consulting with USFWS on potential impacts to federally listed species. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

**Response:** *As noted earlier, the County believes it has provided sufficient mitigation measures based upon the existing baseline of absence of special status species. If, during pre-construction survey(s), any special-status species are encountered CDFW and/or USFWS will be consulted. The mitigation measures include “next steps” if a qualified biologist encounters special status species; until such time, the County has determined that the mitigation measures contained in the MMRP satisfy CEQA.*

**Comment Subjects:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations. Accordingly, please report any special status communities and natural communities detected Project surveys to the CNDDDB.

**Response:** *The County is well aware of CEQA requirements regarding reporting Project surveys to the CNDDDB. As such, regardless of the unlikelihood that such communities will be detected, the County will comply with CNDDDB reporting requirements.*

**Comment Subjects:** CDFW fees are payable upon filing the Notice of Determination by the Lead Agency.

**Response:** *The County is well aware of CDFW fees and notes that it has never failed to pay said fees where applicable.*

The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>.

In closing, we sincerely appreciate the Department’s comments which will be useful toward ensuring that the proposed Project complies with applicable CDFW areas of responsibility in regards to biological-related matters.



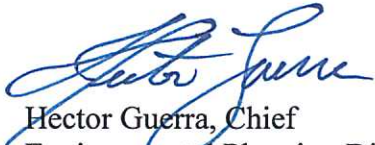
*Response to Comment from  
Mr. Jim Vang  
Department of Fish and Wildlife  
RE: DEIR for Matheny Tract Wastewater System Project  
SCH# No. 2017011028  
December 8, 2017*

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*Page 4*

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachment (1) Comment letter received from Ms. Julie Vance, August 10, 2017, for Matheny Tract Wastewater Treatment #2017011028. See Final EIR link noted earlier which includes Response to CDFW comments.

cc: file



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

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



August 10, 2017

Hector Guerra, Chief Environmental Planner  
Tulare County Resource Management Agency  
5961 South Mooney Boulevard  
Visalia, California 93277

**Subject: Matheny Tract Wastewater System Project (Project),  
Draft Environmental Impact Report (DEIR)  
SCH # 2017011028**

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the Tulare County Resource Management Agency for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

#### **CDFW ROLE**

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. To the

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



extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required.

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

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Tulare County

**Objective:** The proposed Project consists of construction of wastewater laterals, a wastewater collection system, and a wastewater main line. Wastewater laterals will run from each home within Matheny Tract and connect to collection lines in various County rights-of-way abutting the homes. Collection lines will inter-tie to the proposed wastewater main line. The wastewater main line will extend from Matheny Tract to an existing City of Tulare wastewater treatment plant trunk line at the intersection of Avenue 216 (Paige Avenue) and Road 96 (Pratt Street). Pipelines will be installed via open-cut trenching, which will be closed following construction. Roadways will be resurfaced as needed.

**Location:** Matheny Tract, City of Tulare, Tulare County. Matheny Tract is separated into northern and southern portions. The northern portion is bounded by Road 96 to the west and I Street to the east and Wade Avenue to the north and Addie Avenue to the south. The southern portion is bounded by Road 96 to the west and agricultural fields to the east and Matheny Avenue to the north and Prine Drive to the south. 36.166, -119.356 and 36.173, -119.353.

**Timeframe:** Duration estimated at 120 working days (approximately 6 months); start and end dates unspecified.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the Tulare County Resource Management Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.



### **Swainson's Hawk:**

**Specific impacts:** Swainson's hawk (SWHA), a species listed as threatened pursuant to CESA, has the potential to nest in large trees adjacent to and within the Project site. Potentially significant impacts that may result from Project-related activities include nest abandonment, loss of nesting habitat features, and direct mortality. Any take of SWHA without appropriate take authorization would be a violation of Fish and Game Code.

**SWHA Mitigation Measure 1:** To evaluate potential Project related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC, 2000) prior to any Project implementation. If ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

**SWHA Mitigation Measure 2:** If an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP) for SWHA is necessary prior to Project implementation to comply with CESA.

### **San Joaquin Kit Fox:**

**Specific Impacts:** San Joaquin kit fox (SJKF), a species listed as threatened pursuant to CESA and endangered pursuant to the Federal Endangered Species Act (FESA), has the potential to occur on the Project site. SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Presence/absence in any one year is not necessarily a reliable indicator of SJKF to occur on a site. SJKF may be attracted to project areas due to the type and level of ground-disturbing activities (i.e. trenching, horizontal directional drilling, etc.) and the loose, friable soils resulting from intensive ground disturbance. Potentially significant impacts that may result from Project-related activities include loss of dens, entrapment, vehicle strikes, and direct mortality. Any take of SJKF without appropriate take authorization would be a violation of Fish and Game Code.

**SJKF Mitigation Measure 1:** To evaluate potential Project related impacts, CDFW advises that the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) be followed prior to any



ground-disturbing activities occurring within the Project site. San Joaquin kit fox detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP for SJKF prior to any ground-disturbing activities.

### **Special-Status Plants:**

**Specific Impacts:** In its current form, the DEIR includes translocation as a potential mitigation measure for special-status plant species encountered during Project activities (Mitigation Measure Bio 3.4-2). Although the likelihood of State listed plant species occurring on the Project site is low, translocation of such a species constitutes take and without an ITP would violate Fish and Game Code.

**Special-Status Plant Mitigation Measure 1:** CDFW recommends that pre-construction surveys for special-status plants be conducted by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFG, 2009). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

**Special-Status Plant Mitigation Measure 2:** If detected during pre-construction surveys, CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the United States Fish and Wildlife Service (USFWS) be initiated to determine permitting needs.

### **Editorial Comments and/or Suggestions**

**Initial Study:** CDFW recommends fully addressing avoidance, minimization, and mitigation measures for Swainson's hawks (*Buteo swainsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), and special-status plant species and that these measures be included as enforceable mitigation in the final environmental impact report prepared for this Project.

**Federally Listed Species:** CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, SJKF. Take



under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

## **ENVIRONMENTAL DATA**

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

## **FILING FEES**

The Project, as proposed, has the potential to impact fish and/or wildlife, and assessment of filing fees may be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the DEIR to assist the Tulare County Resource Management Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jim Vang, Environmental Scientist, at (559)243-4014 extension 254 or [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,



Julie A. Vance  
Regional Manager

## REFERENCES

CDFG, 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. California Department of Fish and Game. November 24, 2009.

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

USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.

# Attachment 7

Comments Received from the  
Office of Planning and Research (OPR)



EDMUND G. BROWN, JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

October 24, 2017

Hector Guerra  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277-9394

RE: **Matheny Tract Wastewater System Project**

Hector Guerra:

We have reviewed your shortened review request and have determined that it is consistent with the criteria set forth in the written guidelines of the Office of Planning and Research for shortened reviews and Section 21091 of the Public Resources Code.

The shortened review period for a Draft EIR shall not be less than 30 days. The review process for the referenced project will start on **October 24, 2017** and end on **November 22, 2017**.

If you have any questions, please contact Christine Asiata at (916) 445-0613.

Sincerely,

Scott Morgan  
State Clearinghouse Director

cc: file





EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

## Memorandum

**Date:** October 25, 2017  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH# 2017071028

### **Matheny Tract Wastewater System Project**

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The above-mentioned document was sent to your office on **October 24, 2017** for review and comment. It has come to the attention of the State Clearinghouse that this document was assigned *two* State Clearinghouse Numbers on the NOC form incorrectly. Please refer to this project using the **original** SCH number **2017011028** for all future correspondence and comments.

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Hector Guerra  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277-9394

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH #2017011028****Project Title:** Matheny Tract Wastewater System Project**Lead Agency:** Tulare County Resource Management Agency**Contact Person:** Hector Guerra, Chief Env. Planner**Mailing Address:** 5961 S. Mooney Blvd.**Phone:** 559-624-7121**City:** Visalia**Zip:** 93277-9394**County:** Tulare County**Project Location:** County: Tulare**City/Nearest Community:** Matheny Tract**Cross Streets:** Canal St & Beacon Ave. and Matheny Ave & Prine Dr.**Zip Code:** N/A**Lat/Long:** 36°10'20.90" N / 119°20'55.95" W and 36°10'01.11" N / 119°21'14.90" W**Total Acres:** N/A**Assessor's Parcel No:** Various**Section:** 22, 23, 27 **Township:** 20S **Range:** 24E **Base:** M.D.B. & E.**Within 2 Miles:** State Hwy: SR 99**Airports:** Mafford Field**Railways:** Union Pacific**Waterways:** Tulare Irrigation Canal; Elk Bayou Ditch; Oakland Colony Ditch; Tulare Canal**Schools:** Valley High, Mulcahy Middle, Roosevelt Elementary, Lincoln Elementary, Cypress School**CEQA:**☐ NOP☐ Draft EIR**NEPA:**☐ NOP☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec☐ Draft EIS☐ FONSI☐ MK Neg Dec☒ Other: Recirculated Draft EIR☐ Other**OCT 24 2017****Local Action Type:**☐ General Plan Update☐ Specific Plan☐ General Plan Amendment☐ Master Plan☐ General Plan Element☐ Planned Unit Dev.☐ Community Plan☐ Site Plan**STATE CLEARINGHOUSE**☐ Rezone☐ Annexation☐ Prezone☐ Redevelopment☐ Use Permit☐ Coastal Permit☐ Land Division (Sub.)☒ Other: Feasibility Study**Development Type:****Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☐ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☒ Archaeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducing☐ Coastal Zone☒ Noise☒ Solid/Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☒ Economic/Other☒ Public Services/Facilities☒ Traffic/Circulation☒ Other: Utilities**Present Land Use/Zoning/General Plan Designation:****Land Use:** Community of Matheny Tract, including residential, commercial, and industrial properties

**Zoning:** As indicated in the City of Tulare Zone Map, forty-three (43) parcels within the City Limits south of Paige Avenue between Pratt Street and "K" Street are zoned M-2 (Heavy Industrial, totaling 298.14 acres) and one is zoned M-1 (Light Industrial, 2.08 acres). While lands north of Paige Avenue between Pratt Street and "K" Street, (from west to east) are zoned as follows: one R-1-8 (Suburban residential, totaling 38.11 acres; 3.1 to 7 dwelling units per acre), two R-1-5 (Suburban residential, totaling 38.41 acres; 3.1 to 7 dwelling units per acre), two M-2 (Heavy Industrial, totaling 59.81 acres), and two M-1 (Light Industrial, totaling 8.1 acres).

**General Plan Designation:** Tulare County: Matheny Tract Urban Area Boundary; City of Tulare: Suburban Residential, Light Industrial, and Heavy Industrial

**Project Description:**

The Matheny Tract community is not currently sewered, having on-site septic systems to provide wastewater treatment on each lot. The average lot size in the community is approximately 0.5 acres; however, many lots have been split in half or have more than one residence on a single property. Due to the splitting of lots or construction of multiple dwellings on one lot, the effective lot size of many properties is less than 12,500 square feet, the minimum lot size the County allows for on-site septic systems.

The project analyzed in this recirculated draft Technical Environmental Impact Report (DEIR) are the Alternatives provided in the "Technical Memorandum Addendum to Project Feasibility Report September 2017" (PFR Addendum) to the Project Feasibility Report Matheny Tract Wastewater System (Feasibility Report or PFR). The Initial DEIR is based on the Preferred Alternative/Project and analyzed four (4) alternatives to the Project:

**State Clearinghouse Contact:**

(916) 445-0613

**State Review Began:**

10 - 24 - 2017

**SCH COMPLIANCE**

11 - 22 - 2017

NOTE: See day review per lead

**Project Sent to the following State Agencies**

☒ Resources  
☒ Boating & Waterways  
☒ Central Valley Flood Prot.  
☐ Coastal Comm  
☐ Colorado Rvr Bd  
☐ Conservation  
☒ CDFW # 4  
☐ Cal Fire  
☐ Historic Preservation  
☒ Parks & Rec  
☐ Bay Cons & Dev Comm.  
☐ DWR

**Cal EPA**

☐ ARB: Airport & Freight  
☐ ARB: Transportation Projects  
☐ ARB: Major Industrial/Energy  
☐ Resources, Recycl. & Recovery  
☒ SWRCB: Div. of Drinking Water  
☒ SWRCB: Div. Drinking Wtr #  
☒ SWRCB: Div. Financial Assist.  
☒ SWRCB: Wtr Quality  
☒ SWRCB: Wtr Rights  
☒ Reg. WQCB # 5F  
☐ Toxic Sub Ctrl-CTC

**Yth/Adlt Corrections****Corrections****Independent Comm**☐ Delta Protection Comm☒ Delta Stewardship Council☐ Energy Commission☒ NAHC☒ Public Utilities Comm☒ Santa Monica Bay Restoration☐ State Lands Comm☐ Tahoe Rgl Plan Agency☐ Conservancy☐ Other:**Please note State Clearinghouse Number****(SCH#) 2017011028****SCH#:****Please forward late comments directly to the Lead Agency****AQMD/APCD** 37**(Resources: 10 / 24)****CalSTA**☒ Aeronautics☒ CHP☒ Caltrans# 6☐ Trans Planning**Other**☐ Education☐ OES☐ Food & Agriculture☐ HCD☐ State/Consumer Svcs☐ General Services



EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

## Memorandum

**Date:** October 25, 2017  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH# 2017071028

### Matheny Tract Wastewater System Project

The above-mentioned document was sent to your office on **October 24, 2017** for review and comment. It has come to the attention of the State Clearinghouse that this document was assigned *two* State Clearinghouse Numbers on the NOC form incorrectly. Please refer to this project using the **original** SCH number 2017011028 for all future correspondence and comments.

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Hector Guerra  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd.  
Visalia, CA 93277-9394

Tulare County  
Resource Management  
Agency

OCT 30 2017

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH #2017011028****Project Title:** Matheny Tract Wastewater System Project**Lead Agency:** Tulare County Resource Management Agency**Mailing Address:** 5961 S. Mooney Blvd.**City:** Visalia**Zip:** 93277-9394**Contact Person:** Hector Guerra, Chief Env. Planner**Phone:** 559-624-7121**County:** Tulare County**Project Location:** County: Tulare**City/Nearest Community:** Matheny Tract**Cross Streets:** Canal St & Beacon Ave. and Matheny Ave & Prine Dr.**Zip Code:** N/A**Lat./Long:** 36°10'20.90" N / 119°20'55.95" W and 36°10'01.11" N / 119°21'14.90" W**Total Acres:** N/A**Assessor's Parcel No:** Various **Section:** 22, 23, 27 **Township:** 20S **Range:** 24E **Base:** M.D.B. & E.**Within 2 Miles:** State Hwy: SR 99 **Airports:** Mefford Field **Railways:** Union Pacific**Waterways:** Tulare Irrigation Canal; Elk Bayou Ditch; Oakland Colony Ditch; Tulare Canal**Schools:** Valley High, Mulcahy Middle, Roosevelt Elementary, Lincoln Elementary, Cypress School

**CEQA:** ☐ NOP ☐ Draft EIR ☐ Supplement/Subsequent EIR ☐ Draft EIS ☐ Mit Neg Dec ☒ Other: Recirculated Draft EIR

**NEPA:** ☐ NOP ☐ Draft EIS ☐ Supplement/Subsequent EIS ☐ Draft EIS ☐ Mit Neg Dec ☒ Other: Recirculated Draft EIR

**STATE CLEARINGHOUSE****Local Action Type:**

☐ General Plan Update  
☐ General Plan Amendment  
☐ General Plan Element  
☐ Community Plan

☐ Specific Plan  
☐ Master Plan  
☐ Planned Unit Dev.  
☐ Site Plan

☐ Rezone  
☐ Prezone  
☐ Use Permit  
☐ Land Division (Sub.)  
☐ Annexation  
☐ Redevelopment  
☐ Coastal Permit  
☒ Other: Feasibility Study

**Development Type:****Project Issues Discussed in Document:**

☒ Aesthetic/Visual ☐ Fiscal  
☐ Agricultural Land ☐ Flood Plain/Flooding  
☒ Air Quality ☐ Forest Land/Fire Hazard  
☒ Archaeological/Historical ☐ Geological/Seismic  
☒ Biological Resources ☐ Minerals  
☐ Coastal Zone ☐ Noise  
☐ Drainage/Absorption ☐ Population/Housing Balance  
☐ Economic/Jobs ☐ Public Services/Facilities  
☒ Other: Tribal Cultural Resources

☐ Recreation/Parks  
☐ Schools/Universities  
☐ Septic Systems  
☒ Sewer Capacity  
☒ Soil Erosion/Compaction/Grading  
☐ Solid/Waste  
☒ Toxic/Hazardous  
☒ Traffic/Circulation

☐ Vegetation  
☐ Water Quality  
☐ Water Supply/Groundwater  
☐ Wetland/Riparian  
☒ Growth Inducing  
☒ Land Use  
☒ Cumulative Effects  
☒ Other: Utilities

**Present Land Use/Zoning/General Plan Designation:**

**Land Use:** Community of Matheny Tract, including residential, commercial, and industrial properties

**Zoning:** As indicated in the City of Tulare Zone Map, forty-three (43) parcels within the City Limits south of Paige Avenue between Pratt Street and "K" Street are zoned M-2 (Heavy Industrial, totaling 298.14 acres) and one is zoned M-1 (Light Industrial, 2.06 acres). While lands north of Paige Avenue between Pratt Street and "K" Street, (from west to east) are zoned as follows: one R-1-6 (Suburban residential, totaling 38.11 acres; 3.1 to 7 dwelling units per acre), two R-1-5 (Suburban residential, totaling 38.41 acres; 3.1 to 7 dwelling units per acre), two M-2 (Heavy Industrial, totaling 59.81 acres), and two M-1 (Light Industrial, totaling 6.1 acres).

**General Plan Designation:** Tulare County: Matheny Tract Urban Area Boundary; City of Tulare: Suburban Residential, Light Industrial, and Heavy Industrial

**Project Description:**

The Matheny Tract community is not currently sewered, having on-site septic systems to provide wastewater treatment on each lot. The average lot size in the community is approximately 0.5 acres; however, many lots have been split in half or have more than one residence on a single property. Due to the splitting of lots or construction of multiple dwellings on one lot, the effective lot size of many properties is less than 12,500 square feet, the minimum lot size the County allows for on-site septic systems.

The project analyzed in this recirculated draft Technical Environmental Impact Report (DEIR) are the Alternatives provided in the "Technical Memorandum Addendum to Project Feasibility Report September 2017" (PFR Addendum) to the Project Feasibility Report Matheny Tract Wastewater System (Feasibility Report or PFR). The initial DEIR is based on the Preferred Alternative/Project and analyzed four (4) alternatives to the Project:

**Project Sent to the following State Agencies****State Clearinghouse Contact:**

(916) 445-0613

**State Review Began:**

10-24-2017

**SCH COMPLIANCE**

11-22-2017

NOTE: 30 day review per RAD

**Please note State Clearinghouse Number**

(SCH#) 2017011028

**SCH#:** \_\_\_\_\_  
**Please forward late comments directly to the**  
**Lead Agency**

AQMD/APCD 37

(Resources: 10/1/25)

☒ Resources  
☒ Boating & Waterways  
☒ Central Valley Flood Prot.  
☐ Coastal Comm  
☐ Colorado Rvr Bd  
☐ Conservation  
☒ CDFW # 4  
☐ Cal Fire  
☐ Historic Preservation  
☒ Parks & Rec  
☐ Bay Cons & Dev Comm.  
☐ DWR

☒ CalSTA  
☒ Aeronautics  
☒ CHP  
☒ Caltrans # 6  
☐ Trans Planning  
**Other**  
☐ Education  
☐ OES  
☐ Food & Agriculture  
☐ HCD  
☐ State/Consumer Svcs  
☐ General Services

**Cal EPA**  
☐ ARB: Airport & Freight  
☐ ARB: Transportation Projects  
☐ ARB: Major Industrial/Energy  
☐ Resources, Recycl. & Recovery  
☒ SWRCB: Div. of Drinking Water  
☒ SWRCB: Div. Drinking Wtr # \_\_\_\_\_  
☒ SWRCB: Div. Financial Assist.  
☒ SWRCB: Wtr Quality  
☒ SWRCB: Wtr Rights  
☒ Reg. WQCB # 5F  
☐ Toxic Sub Ctrl-CTC  
☐ Yth/Adlt Corrections  
☐ Corrections  
☐ Independent Comm  
☐ Delta Protection Comm  
☒ Delta Stewardship Council  
☐ Energy Commission  
☒ NAHC  
☒ Public Utilities Comm  
☒ Santa Monica Bay Restoration  
☐ State Lands Comm  
☐ Tahoe Rgl Plan Agency  
☐ Conservancy  
**Other:** \_\_\_\_\_



# Attachment 8

Comments Received from Chevron  
and  
County Response to Comments



# RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277.  
PHONE (559) 624-7000  
FAX (559) 730-2653

Michael Washam Economic Development and Planning  
Reed Schenke Public Works  
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

Mike Oliphant, Project Manager  
Chevron Environmental Management Company  
P.O. Box 6012  
San Ramon, CA 94583

Subject: Response to Comments, DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Oliphant,

Thank you for providing the San Joaquin Valley Unified Air Pollution Control District (Air District) response regarding DEIR – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028.

The County of Tulare appreciates receiving the Chevron Environmental Management Company's (Chevron or CEMC) comments. The Final EIR (see below for website link) includes a response to the Air District's comment which was prepared by Resource Management Agency (RMA) staff.

**Comment:** *"The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in Tulare County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of this former pipeline location within the existing former pipeline right of way (ROW)." "Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figures 1 and 2 illustrate the locations of the former TAOC [Tidewater Associated Oil Company] ROW with respect to proposed project area." "Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former TAOC pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information." "For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd ([michael.t.hurd@leidos.com](mailto:michael.t.hurd@leidos.com)) at (510) 466-7161 or Daniel Anzelon ([daniel.b.anzelon@leidos.com](mailto:daniel.b.anzelon@leidos.com)) at (858) 826-3316."*

**Response:** The County appreciates the comments received from Chevron. Although it does not appear that any part of the wastewater collection system would be impacted by the abandoned pipeline and pipeline-related ACM (asbestos-containing materials), we commend Chevron for providing this information to prepare for the possibility of encountering the abandoned pipeline and pipeline-related ACM. This information will be useful during development of project design features when construction plans being are completed.

The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system-project/matheny-tract-wastewater-system-final-environmental-impact-report-feir/>

To reiterate, the County thanks and appreciates the effort by Chevron Environmental Management Company in providing this important information.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachment (1) Comment letter received from Mr. Mike Oliphant, August 17, 2017, for Matheny Tract Wastewater Treatment #2017011028. See Final EIR link noted earlier which includes Response to Chevron's comments.

cc: file





**Mike N. Oliphant**  
Project Manager  
Mining and Specialty  
Portfolio

**Chevron Environmental  
Management Company**  
P.O. Box 6012  
San Ramon, CA 94583  
Tel (925) 842 9922  
mike.oliphant@chevron.com

August 17, 2017

Stakeholder Communication – County of Tulare

Mr. Hector Guerra  
County of Tulare  
Resource Management Agency  
5961 South Mooney Boulevard  
Tulare, California 93277

*Subject:* **Comments on the Draft Environmental Impact Report for the Matheny Tract Wastewater System Project**  
Chevron Environmental Management Company  
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Guerra:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently reviewed the Draft Environmental Impact Report for the Matheny Tract Wastewater System Project. The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in Tulare County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of this former pipeline location within the existing former pipeline right of way (ROW).

A portion of the former Tidewater Associated Oil Company (TAOC) pipeline existed in the vicinity of the proposed project area. This formerly active pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the TAOC ceased in the 1970s, at which point the pipeline was taken out of commission. The degree and method of decommissioning varied: in some instances the pipeline was removed, while in others it remains in place. Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figures 1 and 2 illustrate the locations of the former TAOC ROW with respect to proposed project area. The location of the pipeline shown on Figures 1 and 2 are based on historical as-built drawings and the approximated positional accuracy of the alignment is generally +/- 50 feet. The TAOC pipeline was installed at depths of up to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former TAOC pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information



Mr. Hector Guerra – County of Tulare  
August 17, 2017  
Page 2 of 2

provided in this letter to help prepare for the possibility of encountering abandoned pipeline and pipeline-related ACM during the course of their work.

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd ([michael.t.hurd@leidos.com](mailto:michael.t.hurd@leidos.com)) at (510) 466-7161 or Daniel Anzelon ([daniel.b.anzelon@leidos.com](mailto:daniel.b.anzelon@leidos.com)) at (858) 826-3316.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Oliphant', with a stylized flourish at the end.

Mike Oliphant

MO/klg

Enclosures:

Figure 1. Historical Pipeline Right of Way – Matheny Tract Wastewater System Project

Figure 2. Historical Pipeline Right of Way – Matheny Tract Wastewater System Project

cc: Mr. Mike Hurd – Leidos  
475 14th Street, Suite 610, Oakland, California 94612

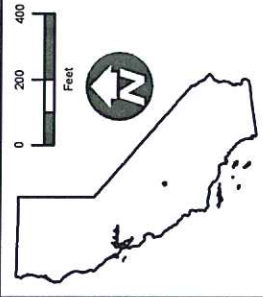




Map is compiled from data sources that vary in accuracy. Features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work.

# HISTORICAL PIPELINE RIGHT OF WAY

- Matheny Tract Wastewater System Project Boundary (Approximate)
- Historical Tidewater Associated
- Oil Company (TAOC) Pipeline
- Railroad



CALIFORNIA LOCATION MAP

MATHENY TRACT WASTEWATER  
SYSTEM PROJECT  
Tulare County, California

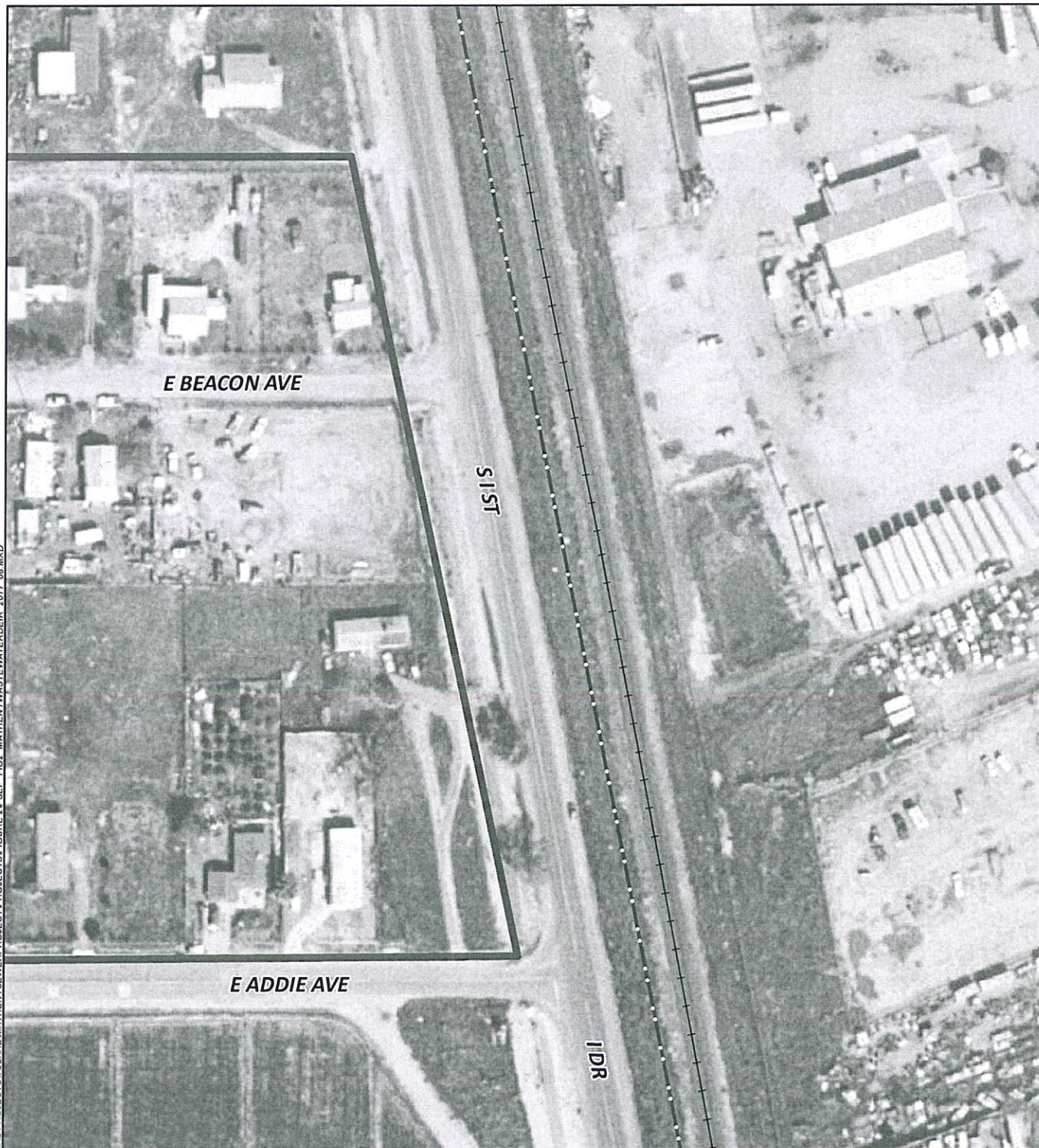
DATE: 8/2/2017 ANALYST: ANZELOND



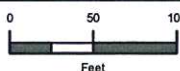
FIGURE: 1






FILE: Z:\HPP\BTRMANAGEMENT\STRATEGY\POTENTIAL PROJECTS\TULARE\MATHENYSEWERPROJECT\FIGURE 2\PSER FIG2 MATHENYWASTEWATERDEIR 2017 08.MXD



CALIFORNIA LOCATION MAP



Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another.

-  Matheny Tract Wastewater System Project Boundary (Approximate)
-  Historical Tidewater Associated Oil Company (TAOC) Pipeline
-  Railroad

## HISTORICAL PIPELINE RIGHT OF WAY

### MATHENY TRACT WASTEWATER SYSTEM PROJECT

Tulare County, California

DATE: 8/2/2017

ANALYST: ANZELOND

FIGURE:



2

# Attachment 9

Comments Received from the City of Tulare  
and  
County Response to Comments





# RESOURCE MANAGEMENT AGENCY

**5961 SOUTH MOONEY BLVD  
VISALIA, CA 93277.**

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam Economic Development and Planning

Reed Schenke Public Works

Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 8, 2017

Joseph Carlini, City Manager  
City of Tulare  
411 E. Kern Avenue  
Tulare, CA 93274

Subject: Response to Comments, DEIR – Matheny Tract Wastewater Treatment Project, SCH No. 2017011028

Dear Mr. Carlini,

Thank you for providing the City of Tulare's (the "City") response regarding initial and Recirculated DEIRs – Matheny Tract Wastewater System Project (Project), SCH No. 2017011028. The Final EIR (see below for website link) includes a response to the City's comment which was prepared by Resource Management Agency (RMA) staff.

In response to the letters dated August 14 and November 17, 2017 from the City regarding the City's Comments on the Matheny Tract Wastewater System project DEIR (the "Letters"), the County would like to address the City's specific points in turn:

**Comment No.1:** Regarding Existing Capacity of W. Paige Avenue Sewer Main. "The City disagrees with this statement, as it can be construed to say that the City has indicated that the Matheny project could be accommodated under existing conditions. The City's wastewater engineers (Carollo Engineers) prepared a report in June 2017 titled "DWWTP and Collection System Analysis" (Report) that evaluated specifically whether the Matheny Tract sewer needs could be served by the City." As indicated in the City's comment, the City has determined that the existing 27-inch diameter gravity sewer on W. Paige Avenue does not have the capacity to serve the Matheny Tract.

**Response:** *The County acknowledges receipt of the City's comment (and the Report) on August 14, 2017; the DEIR comment due date. As a matter of process, the DEIR was provided to the City (via hand delivery) on June 30, 2017. The County appreciates receipt of the Report; however, we believe more timely notification by the City that the Report was available would have benefitted the County as a matter of CEQA information sharing. The subsequent "Technical Memorandum Addendum to the Project Feasibility Report" (Technical Memorandum Addendum) was approved by the State Water Resources Control Board on September 21, 2017 which included new information regarding additional alternatives not included in the original/approved Project Feasibility Report. The Technical Memorandum Addendum, in summary, agreed with the City's position regarding the existing 27-inch diameter and its inability to provide capacity for Matheny Tract wastewater flows.*



RE: DEIR for Matheny Tract Wastewater System Project  
SCH# No. 2017011028  
December 8, 2017

**Comment No. 2:** Regarding Future Expansion of the W. Paige Avenue Sewer Main: “Section 4.3 of the Co[a]rrollo Report (Attachment A [of the City’s comment letter]) calculates the total sewer capacity needs of adding the Matheny Tract, along with existing approved units and areas planned for development within the City’s service areas.” “...it is the City’s position that a new 42-inch line in Paige Avenue from K Street to the DWWTP would be necessary to accommodate the Matheny Tract.”

**Response:** *The Technical Memorandum Addendum, in summary, indicates that a new minimum width 27-inch diameter pipeline could provide capacity for Matheny Tract and already approved projects wastewater flows in the City of Tulare. However, the City prefers a 42-inch diameter pipeline to accommodate Matheny Tract, already approved projects, AND buildout of its General Plan land uses. A 42-inch diameter pipeline far exceeds the intended scope of this project, that is, to have sufficient (rather than excessive) conveyance capacity to meet wastewater flows from Matheny Tract.*

**Comment No. 3:** Regarding Willingness and Ability to serve Matheny Tract: “The City has not planned for, nor currently has the ability to serve the Matheny Tract with sewer services. The City’s recent General Plan Update directs growth away from this area of the city, and extending wastewater service to the Matheny Tract would be inconsistent with the General Plan and the city’s growth objectives.” “...because the City has not provided documented acceptance of this alternative [Alternative 2 in the DEIR], the City request that this alternative not be adopted by the County and the EIR not be certified if this alternative is chosen.”

**Response:** *The County is compelled by CEQA to provide and discuss alternatives in its DEIR. CEQA Guidelines Section 15126.6 (a) Alternatives to the Proposed Project states; “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The Lead Agency is responsible for selecting a range of alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.” As the Lead Agency, the County is fulfilling its area of responsibility to select, then pursue, the alternative it considers to be the most reasonable, appropriate and environmentally superior alternative. In this case Alternative No. 2, connection to the City of Tulare’s waste water treatment system.*

*At this time, the County and the City do not have a formal agreement regarding the City providing domestic wastewater treatment or conveyance for the neighborhood of the Matheny Tract. Such an agreement will be required between the City and the County prior to the construction of the project, and must be formally adopted by both the County and the City under terms deemed acceptable to each.*

*The City has also stated that its General Plan and growth objectives “[direct] growth away from this area of the City, and extending wastewater service to the Matheny Tract would be inconsistent” therewith. It is also noted that the City recently included Matheny Tract in the City’s Sphere-of-Influence. Matheny Tract is an existing neighborhood with existing developments. Accepting wastewater flows from an existing neighborhood with existing developments utilizing septic systems is not inherently a growth inducing action and does not conflict with City policy. Further, such a project is intended to improve environmental quality related to wastewater treatment, which is also not intended to induce or promote growth.*

**Comment No. 4:** Regarding Deficiencies in EIR Section 3.18 Utilities and Service Systems: The City provided four (4) comments, IV. a.-d.



**Response:**

- a. *The wastewater production for the Matheny Tract neighborhood would be 0.13 MGD, which is used in determining treatment plant capacity and demand. Using the City's peaking factor requirement of 2.1, as referenced in Section I of the City's letter, the design capacity of the project is determined to be 0.27 MGD, which is used to determine the design load for conveyance.*
- b. *The City has correctly stated that the County has considered the capacity of the City's DWWTP as part of its analysis regarding the treatment of wastewater from the Matheny Tract. The City has also correctly identified that the analysis of wastewater treatment plant capacity is not relevant in the discussion of conveyance pipeline size. The County also further reiterates its position on the capacity of the sewer main along Paige Avenue as discussed above.*
- c. *The County as part of the initial Draft EIR has made assumptions regarding the capacity of the City's DWWTP, some of which are specifically recalled by the City in Section IV.b. of the Letter. In its analysis and report, the County has assumed that the requirements of the Waste Discharge Requirements of the City's DWWTP will remain constant or increase as a result of the expected expansion of the City's DWWTP as identified on Page 3.18-8 of the initial Draft EIR.*
- d. *The initial Draft EIR considered that the expansion of the WWTP is already necessary under the rules of the Regional Water Quality Control Board and are, for this reason, not considered within the scope of the initial Draft EIR. Further, the City has claimed that it would be necessary for it to construct a larger diameter sewer main along Paige Avenue to convey the wastewater flows from the Matheny Tract and other permitted sources. The size of the larger sewer pipe is outside of the scope of the initial Draft EIR.*

**Comment No. 5:** Regarding Cost Sharing: "There are many unresolved issues that need to be resolved before attempting to determine costs associated with providing Matheny Tract with wastewater service. Among the issues not mentioned in the EIR are the costs associated with installing a larger sewer line in Paige Avenue to accommodate the Matheny Tract. The City suggests resolving these issues prior to certifying the EIR."

**Response:** *The County agrees that specific costs need to be resolved, maintains its willingness to continue working with the City, and agrees that a fair and equitable resolution would benefit Matheny Tract residents and the City of Tulare. However, the County disagrees that resolving cost-sharing issues is a CEQA-related issue relative to the scope of the Project. As such, the County, as lead agency, respectfully asserts that it is within its authority to certify the EIR. Lastly, certifying the EIR is critical to moving the Project funding process forward with the State Water Board.*

**Comment Subjects of comments dated November 17, 2017:** Selected Alternative, Additional Alternative for Consideration, Project Costs and Financial Responsibility, and Determination in accepting wastewater from Matheny Tract

**Comment Subject:** The City agrees with the County's assessment in the Recirculated EIR that Alternative 6 (construction of a 42-inch diameter sewer trunk line) would be an alternative that could adequately serve Matheny Tract. However, the City has not yet taken a formal position to accept or decline connection of Matheny Tract wastewater. The City maintains its concerns regarding project cost and financial responsibility.



**Response:** *The County's position regarding a preferred alternative remains Alternative 2 with a yet to be determined diameter. A primary component of the Project is conveyance of wastewater following connection to a City trunk line as outlined in both the initial and recirculate EIRs. The County acknowledges that the City has not taken a formal position as noted above and remains receptive to reaching a mutually beneficial position. The County further acknowledges the City's concerns regarding project cost and financial responsibility. The very foundation of the Project is "feasibility"; the EIR has concluded that connection is indeed feasible. However, the details of achieving the goal of tying into the City's wastewater collection trunk lines remains unresolved. As such, costs and financial responsibility remain unresolved until a definite course of action, if any, is agreed upon.*

**Comment Subject:** The City request that the County's Final EIR include a statement that, The City of Tulare has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind itself to any plans, cost estimates, cost sharing, or fair share percentages identified in the County's EIR or Recirculated EIR regarding improvements to the City's sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract."

**Response:** *The City's suggested language is not pertinent to CEQA adequacy of the initial and Recirculated draft EIRs and is not necessary for the Final EIR to be certified by the County of Tulare. The County has been clear that many issues need to be discussed (including plans, cost estimates, etc.) to reach a fair, equitable, and mutually beneficial solution.*

**Comment Subject:** "The City objects to the selection or adoption of any project/alternative other than Alternative 6 discussed in the Recirculated EIR. The City hereby reasserts and incorporates by reference its comment letter on the original DEIR as it pertain to the original EIR text and Alternatives 1 through 4. The City acknowledges the Recirculate EIR dismiss Alternative 5 as being not feasible."

**Response:** *Comment noted. The County, as supported in the Recirculated EIR, maintains that Alternative 6 is the preferred Alternative. As such, all other Alternatives have been superseded by the preferred Alternative.*

**Comment Subject:** The City has identified an additional alternative which is recommended for evaluation and inclusion in the County's Final EIR; connection to the City's existing 36-inch mile waste line along Paige Avenue and biosolids processing facility improvements to the Industrial Wastewater Treatment Plant (IWWTP).

**Response:** *The suggested alternative is beyond the scope of the Project. In summary, the Project consists of construction of a wastewater collection system (and lateral connections) throughout Matheny Tract, ultimate connection to a City wastewater trunk line, one (or more) lift station(s), and abandonment of existing Matheny Tract septic systems.*

**Comment Subject:** Project costs and financial responsibility have not been fully determined. The City reserves the right to re-evaluate project costs and fair share percentages attributable to Matheny Tract.

**Response:** *As noted earlier, the County acknowledges that the City has not taken a formal position as noted above and remains receptive to reaching a mutually beneficial position. The County further acknowledges the City's concerns regarding project cost and financial responsibility. The very foundation of the Project is*



*“feasibility”; the EIR has concluded that connection is indeed feasible. However, the details of achieving the goal of tying into the City’s wastewater collection trunk lines remains unresolved. As such, costs and financial responsibility remain unresolved until a definite course of action, if any, is agreed upon.*

**Comment Subject:** The City has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind itself to any plans, cost estimates, cost sharing, or fair share percentages identified in the County’s EIR or Recirculated EIR regarding improvements to the City’s sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract.

**Response:** *Comment noted. As noted earlier, the County has been clear that many issues need to be discussed (including plans, cost estimates, or fair share percentages.) to reach a fair, equitable, and mutually beneficial solution.*

**Comment Subject:** “The City continues to be receptive to future discussion regarding the issues outlined in this letter.”

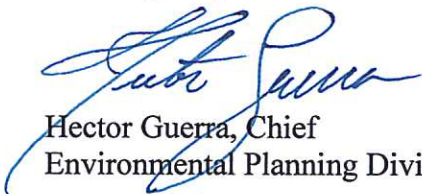
**Response:** *Comment noted. The County appreciates the City’s receptiveness to future discussions and looks forward to reaching a fair, equitable, and mutually beneficial solution to Matheny Tract residents and the City of Tulare.*

The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017 for consideration of certification. The Final EIR will be available on December 8, 2017 at the following website:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/matheny-tract-wastewater-system/>

We sincerely appreciate the City’s comments. If you have any questions regarding the above, please contact me at (559) 624-7121.

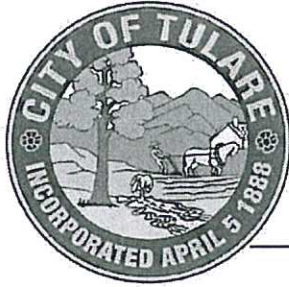
Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachments (1) Comment letter received from City of Tulare dated August 14, 2017 and November 17, for Matheny Tract Wastewater Treatment SCH #2017011028. See Final EIR link noted earlier (includes Response to City of Tulare comments).

cc: file



Tulare County  
Resource Management  
Agency

AUG 14 2017

---

## COMMUNITY & ECONOMIC DEVELOPMENT

August 14, 2017

Hector Guerra, Chief Env. Planner  
Tulare County RMA  
5961 S. Mooney Blvd.  
Visalia, CA 93277

**Re: City of Tulare Comments on the Matheny Tract Wastewater System Project DEIR**

Dear Mr. Guerra,

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the "Matheny Tract Wastewater System Project Feasibility Study" (State Clearinghouse #2017011028). The project involves construction of a wastewater main and a lift station in Road 96 (Pratt Street) from Matheny Tract to connect to the City's existing wastewater trunk line located within Avenue 216 (Paige Avenue); construction of a community-wide wastewater collection system; and laterals from each property with connection to each existing residence. The purpose of this letter is to provide the County with comments on the project EIR.

The City of Tulare understands the County's desire to provide wastewater services to the Matheny Tract. However, there are still many unresolved issues associated with the City's participation in providing sewer / wastewater services to the Matheny Tract, and mitigation of resulting impacts to City facilities. The City respectfully requests that the selected EIR Alternative not be adopted and the EIR not be certified until such time as these issues can be adequately addressed. Specific comments are provided below.

### **I. Existing Capacity of W. Paige Avenue Sewer Main.**

Page 2-4 of the County's EIR states "The City of Tulare has indicated the existing 27-inch sewer trunk main in Avenue 216/Paige Avenue at Road 96/Pratt Street is at 70 percent capacity and would be able to accommodate an additional 0.36 MGD. As discussed in Section 5.1, when utilizing the City's Peaking Factor of 2.1, the capacity needed for the project is 0.27 MGD; therefore the new improvements could make use of the existing 27-inch sewer main."



The City disagrees with this statement, as it can be construed to say that the City has indicated that the Matheny project could be accommodated under existing conditions. The City's wastewater engineers (Carollo Engineers) prepared a report in June 2017 titled "DWWTP and Collection System Capacity Analysis" (Report) that evaluated specifically whether the Matheny Tract sewer needs could be served by the City. The Report is attached hereto as Attachment A. Among other things, the Report evaluated the capacity of the existing 27-inch diameter gravity sewer in West Paige Avenue (where the Matheny sewer would theoretically tie-in). Three scenarios were evaluated:

- Existing conditions
- Matheny Tract – Existing plus Matheny Tract
- Near Term – Existing plus Matheny Tract and Planned Developments

To summarize the Report, evaluation of the three scenarios show that under design flow conditions (based on running a 10-year, 24-hour storm event), the existing gravity sewer along Paige Avenue (from approximately Blackstone Street to the DWWTP) is surcharged under each scenario. With the sewer being surcharged under existing conditions, addition of the Matheny Tract flows and/or other planned developments would exacerbate the surcharged conditions. Please refer to the analysis in Attachment A for specific details.

The City has therefore determined that the existing 27-inch diameter gravity sewer on W. Paige Avenue does not have capacity to serve the Matheny Tract.

## **II. Future Expansion of the W. Paige Avenue Sewer Main.**

The County's EIR identifies a connection point to the City's wastewater system at the existing 27-inch sewer main at Paige Avenue and "K" Street. However, as described in Section I of this letter, the City does not have capacity to serve the Matheny Tract at this time. The City does, however, have previous studies to support expansion of the City's system through the addition of a 42-inch sewer line along Paige Avenue to accommodate planned growth. However, the planned growth that was used as the basis for sizing the proposed 42-inch line did not take into account the Matheny Tract and its needed capacity. Section 4.3 of the Corollo Report (Attachment A) calculates the total sewer capacity needs of adding the Matheny Tract, along with existing approved units and areas planned for development within the City's service areas. Wastewater flows were estimated based on number of dwelling units, land use type, average dwelling units per acre (based on the General Plan Update), and wastewater flow factors (GPD/acre). Peak wet weather flows were also calculated. An evaluation was then conducted (See Section 9 of Attachment A) to determine the size of sewer needed to accommodate Matheny Tract and other developments.

The report identified the following improvements / operational changes to eliminate surcharging in the existing gravity sewer on Paige Avenue:

- Install the remaining 42-inch diameter gravity sewer along Paige Avenue, from K Street to the DWWTP
- Limit the level in the DWWTP influent wet well

Both of these are necessary to completely eliminate surcharging during each scenario. The report determined that once the 42-inch diameter sewer is installed, it would be able to accommodate the Matheny Tract. This contradicts the information in the EIR, but it is the City's position that a new 42-inch line in Paige Avenue from K Street to the DWWTP would be necessary to accommodate the Matheny Tract.

### III. Willingness and Ability to serve Matheny Tract.

The County's EIR appears to rely on the notion that the City can and will serve Matheny Tract, as shown in the EIR Project Description, page 2-4 and throughout Section 3.18 (Utilities and Service Systems). Much of this determination was based on the 2016 Project Feasibility Report – Matheny Tract Wastewater System, prepared for the County of Tulare by Provost & Pritchard.

The City has not planned for, nor currently has the ability to serve the Matheny Tract with sewer services. The City's recent General Plan Update directs growth away from this area of the City, and extending wastewater service to the Matheny Tract would be inconsistent with the General Plan and the City's growth objectives. The County's EIR seems to acknowledge this on page 5-9 which states:

"The City of Tulare was contacted to determine a willingness to be a participant in this study to identify an alternative; the City indicated it was willing to be identified in the Report and would cooperate with requests for information to facilitate the analysis of the alternative. Willingness to be identified in the report does not indicate willingness to approve the alternative....Early discussions with the City of Tulare have indicated the City is reluctant to extend wastewater service into the community..."

The section goes on to say that:

"Additional discussions and review of the alternative analysis by the City, as well as positive action by the City Council to approve the consolidation, would be required prior to acceptance of the alternative."

This appears to say that the County, in their own words, must not accept this alternative without the blessing of the City. Therefore, because the City has not provided documented acceptance of this alternative, the City requests that this alternative not be adopted by the County and the EIR not be certified if this alternative is chosen.



#### IV. Deficiencies in EIR Section 3.18 Utilities and Service Systems

- a. Page 3.18-8, first paragraph says "...the Matheny Tract use would be 0.13 MGD..." However, page 2-4 of the EIR Project Description says "...the capacity needed for the project is 0.27 MGD..." Please specify which figure is being used for the EIR analysis.
- b. Page 3.18-8, second paragraph states that "The Matheny Tract would not be the trigger for the expansion of the domestic WWTP since it is already in the window where planning for expansion must begin." This is referring to the RWQCB's threshold of planning for expansion when Average Dry Weather Flow (ADWF) exceeds 80% of available capacity. The EIR states that the City is using 5.1 MGD of the available 6.0 MGD capacity, which is 85% of total capacity.

The City disagrees with this statement. To begin, the 80% threshold refers to capacity of the City's WWTP, not the capacity of the existing Paige Avenue pipeline and therefore is not relevant when discussing pipeline sizes. As described in Sections I and II above, the existing pipeline in Paige Avenue is not sufficiently sized to serve Matheny. The City would require a larger diameter pipeline, a minimum diameter of 42-inches, to serve Matheny and other developments in the area.

- c. Impact determination of a less than significant for Impact 3.18 a: The analysis assumes that the City can and will serve the Matheny Tract. Since this has not yet been determined, the entire discussion about quality of effluent is secondary. It is unknown at this time whether the addition of Matheny Tract wastewater would result in RWQCB violations, or if the existing Waste Discharge Permit would require updating. The City suggests resolving these issues prior to certifying the EIR.
- d. Impact determination of less than significant for Impact 3.18 b: The EIR assumes that the City can and will serve the Matheny Tract and that no new construction of wastewater treatment facilities would be required. As mentioned previously, since this has not yet been determined, this impact would be unknown. However, even if accepting the assumption that the City would serve the Matheny Tract, this impact discussion ignores the fact that the City would need to construct a larger diameter sewer main to accommodate Matheny. This discussion would need to be updated to include an analysis of whether or not construction of the larger sewer main would cause significant environmental effects.

#### V. Cost Sharing

The EIR notes on page 3.18-8 that Matheny Tract should be required to pay its pro-rata share of the cost of the needed improvements at the WWTP and that the project would be required

to compensate the City for capacity used by paying capacity and possibly Development Impact Fees in an amount to be determined. An estimate of \$2,500 per equivalent dwelling unit is offered as an example in the EIR. Ongoing O&M costs would be borne by the City, the funding of which would be built into the sewer rate paid by the residents of the Matheny Tract.

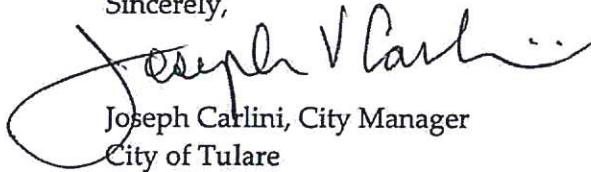
There are many unresolved issues that need to be resolved before attempting to determine costs associated with providing Matheny Tract with wastewater services. Among the issues not mentioned in the EIR are the costs associated with installing a larger sewer line in Paige Avenue to accommodate the Matheny Tract. The City suggests resolving these issues prior to certifying the EIR.

### Closing

The City is receptive to future discussions regarding the issues outlined in this letter. However, until such issues are resolved, the City respectfully requests that the selected EIR Alternative not be adopted and the EIR not be certified.

Please contact me or Michael Miller, City Engineer at 559.684-4269 or [mmiller@tulare.ca.gov](mailto:mmiller@tulare.ca.gov) with comments or questions. Thank you.

Sincerely,



Joseph Carlini, City Manager  
City of Tulare

Enclosure: Attachment A – Corollo Report





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City Manager's Office

November 17, 2017

Hector Guerra, Chief Env. Planner  
Tulare County RMA  
5961 S. Mooney Blvd.  
Visalia, CA 93277

Tulare County  
Resource Management  
Agency

NOV 20 2017

**Re: City of Tulare Comments on the Matheny Tract Wastewater System Project  
Recirculated DEIR**

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Dear Mr. Guerra,

Thank you for the opportunity to review the Recirculated Draft Environmental Impact Report (Recirculated EIR) for the "Matheny Tract Wastewater System Project Feasibility Study" (State Clearinghouse #2017011028) dated October 2017. The City has also reviewed the Technical Memorandum Addendum to the Project Feasibility Report, dated September 2017 which accompanied the Recirculated EIR. The City appreciates the efforts made by Tulare County to respond to the City's concerns outlined in its comment letter on the original project EIR. The purpose of this letter is to provide the County with comments on the project's Recirculated EIR. Specific comments are below.

**I. Selected Alternative**

The City agrees with the County's assessment in the Recirculated EIR that Alternative 6 would be an alternative that could adequately serve Matheny Tract. Alternative 6 consist of construction of a new 42-inch domestic sewer trunk main pipeline intended to serve Matheny Tract and to provide capacity to serve previously approved development projects and future buildout within that area of the City of Tulare. However, even though a potential alternative to serve Matheny Tract has been identified by the County, the City has not yet taken a formal position as to whether or not it is willing or able to accept the wastewater produced by Matheny Tract and/or whether it will allow connection to its sewer system. The City also maintains and restates its concerns regarding project costs and financial responsibility (see further discussion of this topic in Section III herein).



As acknowledged in the County's Technical Memorandum Addendum, Section 3.7 – Key Issues, the City agrees that:

- "A letter of commitment backed by a City Council Resolution will be required prior to receiving funding, and an agreement with each property owner will be required prior to approving construction of the improvements.
- An agreement between the City and County will be required, detailing all the terms and conditions of sewer service provision, including the Paige Avenue Sewer Trunk Main improvements.
- The Matheny Tract will not be annexed into the City through this project."

The City requests that the County's Final EIR for this project include these provisions along with a statement that reads "The City of Tulare has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind itself to any plans, cost estimates, cost sharing, or fair share percentages currently identified in the County's EIR or Recirculated EIR regarding improvements to the City's sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract."

Notwithstanding the comments herein, the City objects to the selection or adoption of any project/alternative other than Alternative 6 described in the Recirculated EIR. The City hereby reasserts and incorporates by reference its comment letter on the original DEIR as it pertains to the original EIR text and Alternatives 1 through 4. The City acknowledges the Recirculated EIR dismisses Alternative 5 as being not feasible.

## **II. Additional Alternative For Consideration**

The City has identified an additional alternative, which is recommended for evaluation and inclusion in the County's Final EIR. The City has determined that the existing 36-inch milk waste line in Paige Avenue that conveys industrial wastewater to the City's Industrial Wastewater Treatment Plant (IWWTP) has sufficient capacity to accept the anticipated flows from the Matheny Tract. The IWWTP also has sufficient treatment capacity to treat these domestic wastewater discharges. However, the co-mingling of this domestic wastewater with the existing industrial flows would have significant impacts on the operations of the IWWTP. Specifically, the biosolids produced from the City's IWWTP are currently exempt from the requirements outlined in the Code of Federal Regulations Title 40 Rule 503 (40 CFR Part 503), Standards for the Use or Disposal of Sewage Sludge. As such, the land application of biosolids from the IWWTP does not require the same costly treatment that would be necessary for biosolids from a domestic wastewater facility. If domestic wastewater from the Matheny Tract was treated at the IWWTP, the resulting biosolids would be subject to the pathogen and vector attraction reduction requirements outlined in 40 CFR 503, and their disposal would result in substantial additional costs to the City. To avoid these costs by treatment of the biosolids to a level that is equivalent to those currently produced by the IWWTP, a 7 dry ton per day biosolids processing facility that includes mechanical dewatering, drying, and palletization would be required.



It is recommended that a new alternative consisting of connection to the City's existing industrial wastewater system with the aforementioned biosolids processing facility improvements to the IWWTP be assessed and included in the County's Final EIR as an alternative to serve the Matheny Tract.

### **III. Project Costs and Financial Responsibility**

The County, through its selection of Alternative 6 of the Recirculated EIR, is essentially in agreement with the City's assessment that a 42-inch trunk main is necessary to serve Matheny Tract sewer needs if it were to connect to the City's domestic wastewater system. However, the City asserts that the issues of project costs and financial responsibility have not yet been fully determined. The City agrees with the following statement included in Section 3.3.1 of the Technical Memorandum Addendum, which states "The City has indicated willingness to continue those discussions to come to a mutually advantageous agreement; however, the City has also indicated it is not willing to take on debt or financial obligation to provide service to the Matheny Tract. The City does not have funding reserved for the sewer trunk main in Paige Avenue now....". However, the statement continues: "...and will therefore be seeking financial assistance from the SWRCB or other funding sources to help fund its cost share to provide *timely* [emphasis added] wastewater service to the Matheny Tract residents; however, other funding programs have not been identified." The City disagrees with this second part (underlined section) of the statement. The City has not yet determined that it can or will accept wastewater from Matheny Tract; it has not determined potential funding source(s) for the project; nor has a timeframe been determined to secure funding which would provide timely wastewater service to Matheny Tract. Furthermore, the language erroneously suggests that the City would be responsible for seeking financial assistance to help fund its cost share. The City has never indicated a willingness or ability to dedicate resources to pursue said financial assistance to advance a project that is not included in its current 5-year capital improvement plan.

The estimated costs for design and construction of the 42-inch trunk main are identified in the Recirculated EIR and Technical Memorandum Addendum. These dollar figures are, in part, based on the City's Collection System Capacity Analysis prepared by Carollo Engineers, Inc., dated June 2017 and were included in the City's previous comment letter. The costs identified for the 42-inch trunk main are based on 2013 bid tabs escalated to May 2017. Since the City does not currently have the financial ability to move forward with the project and funding has not been identified, the timeframe to construct the project is unknown and therefore costs are subject to change. Therefore, the City reserves the right to re-evaluate project costs and fair share percentages attributable to Matheny Tract.

### **IV. Determination**

The City of Tulare does not dispute that a 42-inch trunk line in Paige Avenue is necessary if Matheny Tract wastewater is collected and disposed of in the City's domestic sewer system. However, the City of Tulare has not yet determined whether it can or will accept wastewater from Matheny Tract, nor does it bind

itself to any plans, cost estimates, cost sharing, or fair share percentages currently identified in the County's EIR or Recirculated EIR regarding improvements to the City's sewer system that would be required in order to make feasible the acceptance of wastewater from Matheny Tract.

**V. Closing**

The City continues to be receptive to future discussions regarding the issues outlined in this letter. Please contact either myself or Michael Miller, City Engineer at (559) 684-4200.

Sincerely,



Joseph Carlini, City Manager  
City of Tulare  
[jcarlini@tulare.ca.gov](mailto:jcarlini@tulare.ca.gov)

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# Mitigation Monitoring Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.<sup>1</sup> The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. A Mitigation Monitoring and Reporting Program typically contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

**Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

It is noted that Alternatives 5 and 6 would not result any additional impacts than those previously addressed/discussed in the initial Draft EIR; as such, the MMRP items have been carried over to the Recirculated EIR in toto. Minor modifications recommended by California Department of Fish and Wildlife (CDFW) have been incorporated into following **Table 8-1** MMRP.

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<b>BIOLOGICAL RESOURCES:</b> <i>Based on the disturbed condition of the majority of the sites, reasonable inferences were made that it was unlikely that any of the sensitive species listed would actually occur onsite. However, this Project does not preclude the opportunity for special status species from accessing or traveling through the site prior or post construction phases; including areas contained in Alternative 6 (i.e., the Paige Avenue/Avenue 216 corridor). Historically, there have been records of special status species in the vicinity of the proposed Alternatives. Within the context of CEQA, potential impacts could result in significant impacts (especially in the event Alternative 3 (standalone Matheny Tract Community Wastewater Treatment Facility) is chosen), implementation of Mitigation Measures 3.4-1 through 3.4-8 would reduce potential impacts to <b>Less Than Significant</b>.</i>							
<b>Plant Species</b>							
<b>Impact:</b> Four (4) special status species are known to occur in the vicinity of the proposed Project action area. As shown in the CNDDDB results (Appendix “B”), the presence of Swainson’s hawk was indicated within 10 miles of the site in the last 10 years. No evidence is available to suggest that other raptor species are within the vicinity of the Project site (for example, through CNDDDB information and existing uses; such as residential uses, commercial uses, roadways, etc., and the absence of suitable trees for nesting).		.					
<b>Bio 3.4-1 Avoidance: Special Status plant species:</b> No impacts to Special Status plant species are anticipated, however, as a measure to ensure that no species occur in these areas prior to construction, if either Alternatives 2 (including its subsets 2b (Alternative 5) or 2c (Alternative 6)) or 3 are selected, pre-construction surveys shall be required before construction. Surveys should be timed to coincide with flowering periods for species that could occur (March-May) and consistent with “Protocols for Surveying and Evaluating Impacts to Special Status native Plan Populations and Natural Communities (CDFG 2009). To the extent feasible, a minimum 50-	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following	Governing Entity established for operating the Wastewater System Services.	Field survey by a qualified Biologist.			

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
foot no-disturbance buffer shall be maintained from the outer edge of plant populations or habitat required by special-status plant species. If such a distance can not be maintained, CDFW shall be consulted to determine the next best course of action. Consultation with CDFW and/or USFWS shall be initiated to determine permitting needs if a state or federally listed plant species is identified during botanical survey(s)		coordination with Governing Entity.					
<b>Bio 3.4-2., Minimization (Special Status Plant Species):</b> Because no impacts to Special Status plant species are anticipated, no minimization is required, but see Mitigation Measure 3.4-1 as well. If pre-construction surveys detect special status plant species, transplantation, project modification and/or compensation shall be employed.	Prior to construction-related activities.	As needed if special status species are detected.	Governing Entity established for operating the Wastewater System Services.	Qualified biologist.			
<b>Bio 3.4-3. Compensation (Special Status plant species):</b> No compensation is anticipated as part of the Alternatives. If Special Status plant species are detected during pre-construction surveys in the action areas or impact footprints, compensation for impacts shall be required to compensate for impacts. USFWS and CDFW shall be consulted in the event special status plants species are detected to determine permitting needs as applicable.	Prior to construction-related activities.	As needed if special status species are detected.	Governing Entity established for operating the Wastewater System Services.	Qualified biologist working with USFS and/or CFW			
<b>Bio 3.4-4. Monitoring (Special Status plant species):</b> No monitoring is required. If pre-construction surveys detect plant species along the alignments/action areas, or impact footprints, but can be avoided, construction	During construction-related activities.	On-going during construction-related activities	Governing Entity established for operating the Wastewater System Services.	Construction manager with oversight by qualified biologist.			



**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
monitoring shall be required to ensure avoidance of those sensitive areas.							
<b>Animal Species</b>							
<b>Bio 3.4-5 Pre-Construction</b> surveys shall be required before construction consistent with CDFW/USFWS guidance. If a special status species is detected, a qualified biologist shall consult with CDFW/USFWS to recommend the appropriate course of action to avoid, minimize, or provide compensation as recommended by CDFW/USFWS. Although special status species are not currently present, the transient nature of these species is acknowledged and it is not assumed to be completely absent. Such judgement shall be provided by a qualified biologist, and if detected, consultation with CDFW/USFWS shall be undertaken.	Prior to construction-related activities	Will vary by species. For example, for SJKF, at least 30-days prior to construction-related activities; and for Swainson's hawk, at least 10-days prior to construction-related activities. Regardless of lead time, surveys will be conducted consistent with CDFW/USFWS guidelines.	Governing Entity established for operating the Wastewater System Services.	Field survey by a qualified Biologist.			
<b>Bio 3.4-6. Avoidance (Special Status Animal Species):</b> Impacts to all kit fox dens, potential raptor nests and other animals located along the alignments shall be avoided.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as	Governing Entity established for operating the Wastewater System Services.	Field survey by a qualified Biologist.			

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
		recommended following coordination with Governing Entity.					
<b>Bio 3.4-7. Minimization (Special Status Animal Species):</b> Minimization measures assume that some level of impact will occur (that some level of disturbance occurs). Under this approach, the Agency shall consult with DFW/USFWS. As the Agency initiates this process they can offer to perform the following measures as part of their permitting process with the agencies in order to help minimize impacts to the kit foxes, raptors and other species: <ul style="list-style-type: none"> <li>• Revegetate disturbed areas with trees and grass from on the site or adjacent areas;</li> <li>• Conduct employee education programs to inform workers about sensitive biological resources they may encounter and what they should do to minimize potential impacts.</li> </ul>	Implemented only if sensitive species are encountered.						
<b>3.4-8 Monitoring (Special Status Animal Species):</b> If pre-construction surveys detect listed or protected species along any of the project alternatives, while construction occurs, a biologist will need to be on-site to educate workers, monitor compliance, [ensure implementation of] best management practices and to identify and protect natural resources, including Special Status Species. The monitor will be responsible for ensuring that appropriate measures are taken to prevent disturbance of core avoidance areas. Any unauthorized take of	During construction.	As needed during construction.	Governing Entity.	Determination by qualified biologist.			

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>Special Status species will be immediately reported to DFW by the monitor. The monitor will also notify the Project Coordinator who will stop work until corrective measures are implemented.</p> <p>The designated Project Coordinator and the designated monitor for this Project will need to be established if Agency decides to pursue mitigation and monitoring.</p>							
<b>CULTURAL RESOURCES:</b>							
<b>Cul 3.5-1</b> - In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Preferred/ Proposed Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the specialists shall provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Governing Entity established for operating the Wastewater System Services via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
<b>Cul 3.5-2</b> - The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground	During Construction	Daily or as needed throughout the construction period if	Governing Entity established for operating the Wastewater	A qualified archaeologist shall document the results of			



**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The project proponent shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.		suspicious resources are discovered	System Services via field evaluation of the resource finds by a qualified archaeologist	field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
<b>TRANSPORTATION/TRAFFIC</b>							
<b>Trans 3.16-1</b> - Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare / Governing Entity established for constructing and operating the Wastewater System Services via specific contractual requirements and	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare / Governing			

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
			via on-going review of records kept by contractor to document compliance	Entity upon request			
<b>TRIBAL CULTURAL RESOURCES</b>							
<b>TCR 17-1</b> - In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist / paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	During Construction activities	On-going during construction-related activities	County of Tulare / Contractor	County of Tulare / NAHC / Local Tribe			
<b>TCR – 17-2</b> Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during Project construction, it is necessary to comply with State laws relating to the disposition of Native American burials,	During Construction activities	On-going during construction-related activities	County of Tulare / Contractor	County of Tulare / NAHC / Local Tribe			

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:               <ol style="list-style-type: none"> <li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li> <li>b. If the coroner determines the remains to be Native American:                   <ol style="list-style-type: none"> <li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li> <li>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</li> <li>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</li> </ol> </li> </ol> </li> </ol>							

**Table 8-1**

**Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person Responsible for Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
<p>2. Where the following conditions occur, the landowner or his authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>							



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**FINDINGS OF FACT**  
**Matheny Tract Wastewater System Project**  
**Tulare County, California**  
**State Clearinghouse Number 2017011028**  
**December 19, 2017**

**CEQA FINDINGS**

**CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MATHENY TRACT WASTEWATER SYSTEM PROJECT AS BEING IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING PROJECT FINDINGS; ADOPTING A MITIGATION MONITORING PLAN; AND APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT**

**I**

**INTRODUCTION**

The Board of Supervisors ("Board") of the County of Tulare ("County") intends to approve this Project identified as the Matheny Tract Wastewater System Project ("Project"). The proposed Project is connection to the existing City of Tulare wastewater treatment plant, identified by the Matheny Tract Wastewater System Project Feasibility Report (MTWSPFR or Report), as described in Chapter 1 – Introduction of the Draft Environmental Impact Report (EIR). Project components include construction of wastewater collection laterals from each home or business within Matheny Tract and connection to collection lines in the various County rights-of-way abutting the homes and businesses. These collection lines would then inter-tie to main lines that would deliver the wastewater to the wastewater main line which would be constructed within the Road 96/Pratt Street right-of-way extending from Matheny Tract to City of Tulare's sewer trunk pipeline either currently located or to be constructed within Avenue 216/Paige Avenue with a connection at Road 96/Pratt Street, approximately 0.5 miles northwest of Matheny Tract. The trunk line then feeds into the City of Tulare wastewater treatment plant.

The unincorporated community of Matheny Tract is a disadvantaged community situated primarily south of Avenue 216/Paige Avenue and east and west of Road 96/Pratt Street. The community is separated into two segments, the northern and southern portions. The northern portion (North Matheny) is generally bounded by Road 96/Pratt Street and "I" Street in the east-west direction and Wade and Addie Avenues in the north-south direction. Adjacent to "I" Street, the Union Pacific Railroad tracks are elevated approximately 10-feet above natural ground surface; these railroad tracks serve as a physical boundary between the City of Tulare and the Matheny Tract. The southern portion (South Matheny) is generally bounded by Road 96/Pratt Street on the west and Prine and Matheny Avenues in the north-south direction. The Project is within the north half of the southeast quarter of Section 22, the north half of the southwest corner of Section 23, and the north half of the northeast quarter of Section 27, Township 20 South, Range 24 East, MDB&M, and can be found within the Tulare United States Geological Survey 7.5-minute topographic quadrangle.

To approve this Project, the Board must consider and take action on the Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program (MMRP), and Findings of Fact applicable to the Project. The Board is the final decision-making body with respect to the FEIR, MMRP and Findings of

Fact. In the context of the California Environmental Quality Act ("CEQA"), the County is the "lead agency".

## II

### **CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MATHENY TRACT WASTEWATER SYSTEM PROJECT**

The Board hereby certifies and finds that it has considered the information presented in the Final EIR and other relevant evidence to determine compliance with CEQA, and the State CEQA Guidelines. The Board further certifies and finds that prior to taking action on the Project; the Board independently reviewed and considered the information contained in the Final EIR and other relevant evidence presented thereto. Accordingly, based on the Board's exercise of its independent judgment when reviewing and considering the Final EIR, and other relevant evidence presented thereto, the Board further certifies and finds that the Final EIR required for the Project is adequate, and has been prepared and completed in compliance with CEQA and the State CEQA Guidelines.

## III

### **FINDINGS REQUIRED CONCERNING ENVIRONMENTAL IMPACTS UNDER CEQA**

The recitals contained in the accompanying Resolution No. \_\_\_\_\_ have been independently reviewed and considered by the Board, are found to be true, and are hereby adopted in support of approval of the Project.

CEQA requires that certain findings be made with respect to significant environmental impacts, Mitigation Measures, and alternatives. To satisfy this requirement, the Board hereby adopts and incorporates by reference the Matheny Tract Wastewater System Project Environmental Impact Report (EIR), which includes the Final EIR, the Draft EIR, the Recirculated Draft EIR, and the Technical Appendices thereto, the Comments to the Draft EIR and Recirculated Draft EIR, and the Responses to Comments and related appendices thereto.

In approving these findings, the Board has independently reviewed, considered, and relied on (1) the information contained in the EIR and appendices thereto; (2) the various reports (both oral and written) provided by County Staff to the Board; (3) the information submitted during the public comment period; and (4) other evidence contained in the public record. In doing so, the Board finds and declares that the factual discussion and analysis contained in the EIR, the staff reports, and other evidence in the Public Record of Proceedings provide a sufficient basis for approval of the Project pursuant to CEQA.

#### A. Environmental Impacts and Mitigation Measures

As to the potentially significant environmental impact identified in the EIR, the Board finds either that: (1) changes or alterations have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes or alterations have been or can be and should be adopted by such agencies;

and (3) that no impacts requires specific economic, legal, social, technological, or other considerations make any of the Mitigation Measures or Project alternatives identified in the EIR infeasible.

1. Project Impacts.

Consistent with Public Resource Code section 21081 and State CEQA Guidelines sections 15091 through 15093 (including Public Resources Code section 21061.1 and State CEQA Guidelines section 15364 relating to the definition of "feasibility"), the Board hereby makes various findings relating to the significant effects identified in the Final EIR for the Project.

a. Impact 3.1 Aesthetics – a) – c) Scenic Vistas

Pursuant to the discussion in Sections 3.1 a) – c) of the Final EIR, there will be no to less than significant impact to the visual character of the scenic vistas, scenic roadways, or degrade the visual quality within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the proposed Project will not impact identified scenic vistas, will result in a less than significant impact to eligible state scenic highways or scenic county roads, and result in a less than significant impact to the visual quality of the area. As such, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and in the Public Record of Proceedings that the Project would not significantly impact scenic vistas. The evidence indicates that no mitigation measures are necessary or required to mitigate any potential Project related scenic vista impacts to a less than significant level.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

b. Impact 3.1 Aesthetics – d) Light and Glare

Pursuant to the discussion in Section 3.1 d) of the Final EIR, there will be no impact to the surrounding environment resulting from the Project's lighting. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that mitigation measures are not required to mitigate or substantially lessen any impacts from the lighting installed within the Project site to a less than significant level. As such, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and in the Public Record of Proceedings that the Project would not result in generation of additional light or glare on the neighboring properties. The evidence indicates that no mitigation measures are necessary or required to mitigate any potential Project related light and glare impacts to a less than significant level.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

c. Impact 3.2 Agricultural Land and Forestry Resources – a) - e) Farmland Conversion, Williamson Act contract, Conflict with Existing Zoning, Loss



or Conversion of Forest Land, Conversion of Ag or Forest Lands to Other  
Uses

Pursuant to the discussion in Sections 3.2 a) – e) of the Final EIR, there will not be any impact to the surrounding environment involving the loss of farmland as the project will be located within existing rural and semi-rural County and State rights-of-way consisting of paved roadways and dirt/gravel shoulders; as such, agricultural land would not be impacted. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause an impact to the environment involving the loss of farmland because the Project site is not under a Williamson Act contract. As such, the project will not conflict with the surrounding farmland uses and will not cause any loss thereof, and thus, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and in the Public Record of Proceedings that the Project does not conflict with any existing Agriculture Zoning, or other surrounding Williamson Act contracts, or cause any other land that would convert farmland or the conversion of forestlands. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

d. Impact 3.3 Air Quality – a) - c) Air Quality Plan, Violate standards, Cumulative net increase)

Pursuant to the discussion in Sections 3.3 a) – c) of the Final EIR, there will be a less than significant impact to the environment resulting from Project-related construction and operational criteria pollutant emissions. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares that mitigation measures are not necessary or required to avoid, mitigate, or substantially lessen any air quality impacts from construction- and operations-related criteria pollutant emissions to a less than significant level.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings that criteria pollutant emissions (ROG, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and SO<sub>2</sub>) generated during construction- and operations-related activities will not exceed any established thresholds of significance. The Project will not conflict with any applicable federal, state, regional, or local air quality plans. Project-related construction and operational criteria pollutant emissions are below the San Joaquin Valley Unified Air Pollution Control District (Air District) thresholds of significance. The Project will not create significant project-level impacts and, therefore, will not result in cumulatively significant impacts on air quality. The Project is subject to typical compliance with applicable Air District rules and regulations that are sufficient to reduce impacts to a level considered less than significant. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

e. Impact 3.3 Air Quality – d) Expose sensitive receptors to substantial pollutant concentrations.

Pursuant to the discussion in Section 3.3 d) of the Final EIR, the Project will have a less than significant health impact on sensitive receptors within or in close proximity to the Project site resulting from substantial pollutant concentrations. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares that mitigation measures are not required to avoid, mitigate, or substantially lessen any health impact from construction- and operations-related emissions to a less than significant level

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings that Project-related average daily emissions are below the Air District's ambient air quality analysis screening threshold and do not require a health risk assessment. As such, there is a less than significant health risk to nearby receptors. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

f. Impact 3.3 Air Quality – e) Objectionable Odors

Pursuant to the discussion in Section 3.3 e) of the Final EIR, during construction-related activities, on-site diesel powered equipment and vehicles will emit diesel exhaust emissions, which is odorous to some. These odors will dissipate with distance and should not reach an objectionable level at nearby residences. Impacts would be less than significant. Therefore, the Project will not cause a potentially significant impact to the environment. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Project's short-term, temporary construction-related emissions and unlikely operations emissions related to odor would be less than significant. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings that emissions are less than significant. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

g. Impact 3.4 Biological Resources – a) - f) Habitat, Wetlands, Movement or Migration, Local policies/ordinances, Habitat Conservation Plan

Pursuant to the discussion in Section 3.4 a) – f) of the Final EIR, the proposed Project will not cause potentially significant impacts to biological resources with mitigation. Because the proposed actions would consist of underground pipelines and limited development, it is not anticipated to impact riparian habitats/other sensitive natural communities, federally or statewide protected wetlands, or obstruct wildlife movement more than temporarily, or not at all. Potential pipeline construction will result in a less than significant effect on regional wildlife movement. The proposed Project would not conflict with any local

policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances. The Project site is not subject to the two habitat conservation plans that could apply in Tulare County. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to candidate, sensitive, or special status plant or animal species with the implementation of mitigation measures.

Mitigation is set forth in Mitigation Measures 3.4-1 thru 3.4-7. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the County of Tulare, construction contractor, the County Environmental Assessment Officer, or Governing Entity established for constructing and operating the Wastewater System Services. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that Mitigation Measures 3.4-1 thru 3.4-7 would reduce potential impacts to less than significant.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

h. Impact 3.5 Cultural Resources – a) - d) Adverse change of a Historical Resource; Archaeological Resource; Paleontological Resource or Geologic Feature; Disturb Human Remains

Pursuant to the discussion in Sections 3.5 a) – d) of the Final EIR, the proposed Project has the potential to result in a significant impact to the environment from disturbance of cultural or historic resources, and skeletal remains. However, any potentially significant impact can be reduced to a level of insignificance with mitigation. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that changes or alterations have been required in, or incorporated into, the Project which will avoid, mitigate or substantially lessen any impacts to the environment from disturbance of cultural or historic resources and skeletal remains.

Mitigation is set forth in Mitigation Measures 3.5-1, 3.5-2, and 3.5-3. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the applicant (County of Tulare), construction contractor, the County Environmental Assessment Officer, County Coroner, Native American Heritage Commission (NAHC), or local Native American organizations. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that there could be a disturbance or destruction of cultural or historical resources resulting from further construction activities associated with the Project. However, there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

i. Impact 3.6 Geology and Soils – a) i) - iv) Seismic Activity

Pursuant to the discussion in Section 3.6 a) of the Final EIR, the proposed Project will not result in a significant impact to the environment involving seismic effects. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the public record of proceedings, the Board finds and declares that the proposed Project will not cause significant impacts related to exposure of people or structures to earthquake faults, seismic shaking, ground failure including liquefaction, and landslides. In addition, the proposed Project would not cause significant impacts related to the loss of topsoil, unstable soils, expansive soils, and soils incapable of supporting septic tanks. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will not cause significant impacts related to exposure of people or structures to earthquake faults, seismic shaking, ground failure including liquefaction, and landslides. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

j. Impact 3.6 Geology and Soils – b) Soil Erosion or Topsoil Loss

Pursuant to the discussion in Section 3.6 b) of the Final EIR, there will be less than significant impacts to the environment involving soil erosion or topsoil loss during construction (earth-moving) and operations. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have significant impacts involving soil erosion or topsoil loss. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will not cause significant impacts to soil erosion or topsoil loss. The proposed Project's pipeline footprint is entirely over Colpien loam soil with 0 to 2 percent slopes (which has moderately well drained soil resulting in rare frequency of flooding and ponding). The proposed Project would be subject to requirements of the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) requires a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. Compliance with local grading and erosion control ordinances would also help minimize adverse effects associated with erosion and sedimentation. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. No mitigation measures are necessary or required. Thus, there are less than significant impacts. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.



k. Impact 3.6 Geology and Soils – c) Unstable Soils

Pursuant to the discussion in Section 3.6 c) of the Final EIR, the Project site is located on soil types in the area that are unlikely to result in landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, there will be less than significant impacts to the environment involving unstable soils. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have significant impacts involving soil instability. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project is located in the Valley floor with little to no slope and is not likely to experience landslide. The soil in the Project area is not conducive to liquefaction because it is either too coarse or too high in clay content. The Project would be subject to all applicable State and local building codes and regulations. Implementation of the policies contained in the Tulare County Health and Safety Element and compliance with local grading and erosion control ordinances would also help minimize adverse effects associated with erosion and sedimentation. As a result of these efforts, impacts from unstable soils, including on- or off-site landslide, subsidence, liquefaction, or collapse, during the construction and reclamation periods are not anticipated. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

l. Impact 3.6 Geology and Soils – d) Expansive Soil Hazards

Pursuant to the discussion in Section 3.6 d) of the Final EIR, the Project site is over soils with a moderate shrink-swell potential. Therefore, there will be less than significant impacts involving expansive soil hazards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will have a less than significant impact involving expansive soil hazards. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project would implement and comply with federal, State and local regulations as well as General Plan policies which would reduce building construction and run-off and erosion potential impacts associated with the Project. Therefore, the development of the project will not expose persons or structures to hazards associated with shrinking and swelling of expansive soils. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

m. Impact 3.6 Geology and Soils – e) Unstable Soils and Domestic Disposal

Pursuant to the discussion in Section 3.6 e) of the Final EIR, there will not be any significant impacts involving unsuitable soils for domestic waste disposal. Rather, the Project would connect the community to the City of Tulare's existing WWTP. Implementation of the Project would take the community of Matheny Tract off of private septic systems and place it on a public sewer system. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impacts involving suitable soils for domestic waste disposal. Therefore, no mitigation is necessary or required.

In support of this this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that while impacts are anticipated to be less than significant, the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) require a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

n. Impact 3.7 Greenhouse Gas Emissions – a) - b) Generation of Greenhouse Gas Emissions; Conflict with Applicable Plan, Policy, or Regulation

Pursuant to the discussion in Sections 3.7 a) and b) of the Final EIR, the proposed Project would result in less than significant direct and indirect impacts to Greenhouse Gas (GHG) Emissions. Mitigation measures are not required to reduce these impacts to less than significant. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impacts involving greenhouse gas either directly or indirectly from short-term construction- and maintenance-related activities. Therefore, the impacts are less than significant without mitigation measures.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR and the Public Records of Proceedings that the proposed Project's potential GHG emissions are below Air District Zero Equivalency Thresholds for construction-related emissions. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

o. Impact 3.8 Hazards and Hazardous Materials – a) Create a Hazard through Transport, Use, or Disposal of Hazardous Materials

Pursuant to the discussion in Section 3.8 a) of the Final EIR, the Project will cause a less than significant impact to the environment or the public through the routine transport, use, or disposal of hazardous materials. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, and the Public Record of Proceedings, the Board finds and declares that no mitigation measures are required to substantially lessen any impacts to the environment from operational hazards.

In support of this finding, evidence is contained in the Final EIR and the Public Records of Proceedings that construction of the Project's components would require the transport and use of small quantities of hazardous materials in the form of gasoline, diesel and oil associated with construction equipment. There is the potential for small leaks due to refueling of the construction equipment; however, standard construction Best Management Practices (BMPs) included in the SWPPP would reduce the potential for and clean-up in the unlikely event of spills or leaks of construction-related fuels and other hazardous materials. The storage, transport, and use of these materials would comply with Local, State, and Federal regulatory requirements. Therefore, the potential impacts related to this checklist item will be considered less than significant. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no relevant evidence to the contrary in the Public Record of Proceedings.

p. Impact 3.8 Hazards and Hazardous Materials – b) Create a Hazard to the Public or the Environment

Pursuant to the discussion in Section 3.8 b) of the Final EIR, the Project result in a less than significant impact to the environment by creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Construction and operation of the Project would require equipment that utilizes insignificant amounts hazardous materials. The Board concurs with this analysis.

While construction of the proposed pipeline would require equipment that utilizes insignificant amounts of hazardous materials, the long-term operation of the pipeline would not require any such materials and no mitigation measures are necessary or required.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the public record of proceedings, the Board finds and declares that the proposed Project will not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, mitigation measures are not necessary or required.

In support of this finding, the evidence contained in the Final EIR and the Public Records of Proceedings indicates that construction and operation of the Project would require equipment that utilizes insignificant amounts hazardous materials. The storage, transport, and use of these materials would comply with Local, State, and Federal regulatory requirements and implementation of Tulare County General Plan policies would ensure that impacts from the handling, storage, transport, or accidental release of hazardous materials are less than significant. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

q. Impact 3.8 Hazards and Hazardous Materials – c) Emit Hazardous Waste Within One-quarter Mile of an Existing or Proposed School

Pursuant to the discussion in Section 3.8 c) of the Final EIR, there will be no impacts involving hazardous waste within ¼ mile of an existing or proposed school. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not have any impacts involving hazardous waste. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Records of Proceedings that there are no schools within ¼ mile of the project site. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

r. Impact 3.8 Hazards and Hazardous Materials – d) Located on the Cortese List Site under Section 65962.5

Pursuant to the discussion in Section 3.8 d) of the Final EIR, the Project will not cause any impacts to the environment involving the site proximity to Cortese Listed Sites. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR, and the Public Record of Proceedings, the Board finds and declares no mitigation measures are required to substantially reduce any impacts to the environment from operational hazards.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the proposed Project, as of August 11, 2014), is not contained on a Cortese List site. As such, no Project specific impacts related to this checklist item will occur. The proposed Project will not include elements that would require listing on the Cortese List. There are no potential contaminants of concern. No mitigation measures are necessary or required

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

s. Impact 3.8. Hazards and Hazardous Materials – e) and f) Airport Land Use Plan and Hazards; Private Airstrips.

Pursuant to the discussion in Sections 3.8 e) and f) of the Final EIR, there will not be any impacts involving airport land use plans or airport hazards; or a private airstrip. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not have any impacts involving an airport land use plan or is within the vicinity to a private airstrip. Therefore, no mitigation is necessary or required.



In support of this finding, evidence is contained in the Final EIR and the Public Records of Proceedings that the nearest airport (Porterville Municipal Airport) is located more than five miles from the Project site. Accordingly, no impacts will occur. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

t. Impact 3.8. Hazards and Hazardous Materials – g) and h) Emergency Response or Evacuation; Wildland Fires.

Pursuant to the discussion in Sections 3.8 g) and h) of the Final EIR, there will not be any impacts involving emergency response or evacuation and wildland fires. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not have any impacts involving emergency response or evacuation and wildland fires. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project's construction and operation components of an underground pipeline would not impair implementation of or physically interfere with the County's Emergency Operation Plan (EOP) or the California Emergency Plan. It is surrounded by irrigated farmland, and is not within a recognized wildland fire hazard area. Accordingly, no impacts will occur. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

u. Impact 3.9 Hydrology and Water Quality – a) Water Quality Standards or Waste Discharge Requirements

Pursuant to the discussion in Section 3.9 a) of the Final EIR, there will be less than significant impacts to groundwater quality standards. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not violate any water quality standards or waste discharge requirements. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR and the Public Record of Proceedings that the proposed Project would require a minimal amount of water to be used during the construction activity phases for dust suppression. Construction and operation of the pipeline would not result in stormwater runoff or the potential for surface or groundwater contamination. No chemicals would be used in the construction or operation of the pipeline that could be discharged into surface or ground water. Further, the applicant will be required to comply with the all requirements of the Regional Water Quality Control Board. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

v. Impact 3.9 Hydrology and Water Quality – b) Substantially Deplete Groundwater Supplies Or Interfere Substantially With Groundwater

Pursuant to the discussion in Section 3.9 b) of the Final EIR, there will be less than significant impacts to water groundwater supplies. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impacts involving water quantity. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will have less than significant impacts involving groundwater supplies. No new wells will be constructed as a result of this Project and water used for sewage disposal is not anticipated to increase. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

w. Impact 3.9 Hydrology and Water Quality – c) – d) Alter The Existing Drainage Pattern

Pursuant to the discussion in Section 3.9 c) and d) of the Final EIR, there will not be any impacts involving existing drainage patterns. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the proposed Project's underground pipeline would not substantially alter the existing drainage pattern or result in increased runoff. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving existing drainage patterns. The pipeline would be constructed within existing road rights-of-way which are highly disturbed and typically collect stormwater runoff from the roadways. Following construction, the trenches would be backfilled and restored to roadways and gravel roadway shoulders. Therefore, the Project would not alter the existing drainage pattern of the site or area. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

x. Impact 3.9 Hydrology and Water Quality – e) – f) Degrade Water Quality through Runoff

Pursuant to the discussion in Section 3.9 e) – f) of the Final EIR, there will not be any significant impacts involving runoff or overall water quality. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares, if

applicable, compliance with requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB) are sufficient to prevent any impacts to water quality through runoff. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will have no impacts involving water quality through runoff. The proposed pipelines would be constructed within existing road rights-of-way which are highly disturbed and typically collect stormwater runoff from the roadways. Compliance with CVRWQCB requirements are sufficient to reduce any impacts from runoff. No mitigation measures are necessary or required.

Thus, there are no significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

y. Impact 3.9 Hydrology and Water Quality – g) – j) Flooding

Pursuant to the discussion in Section 3.9 g) – j) of the Final EIR, there will be no to less than significant impacts involving flooding. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the proposed Project does not include construction of housing units, does not involve significant water storage or changing the alignment of an established watercourse, and is located in a flood zone X (moderate and minimal risk areas); however, according to the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM, number 06107C1275E), no Base Flood Elevations (BFEs) or base flood depths are shown within this zone. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR and the Public Record of Proceedings that the proposed Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

z. Impact 3.10 Land Use and Planning – a) Physically Divide Established Community

Pursuant to the discussion in Section 3.10 a) of the Final EIR, there will not be a significant impact involving the division of an established community. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact involving the division of an established community, and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project does not include the construction of a major highway or railroad track, and does not require any off-site construction. The pipelines would be constructed within existing rights-of-way and the area is characterized as rural agriculture. Accordingly, there is no impact and no mitigation measures are necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

aa. Impact 3.10 Land Use and Planning – b) Conflict with Land Use Plan, Policy, or Regulation

Pursuant to the discussion in Section 3.10 b) of the Final EIR, there will be no impacts involving Zoning. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause an impact to any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance), and therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the proposed Project includes the installation of a 27- or 42- inch diameter wastewater pipeline along Avenue 216/Paige Avenue to connect a wastewater pipeline from Matheny Tract to the existing wastewater treatment plant in the City of Tulare (City). As proposed, the pipeline suggested in Alternatives 5 and 6 is within the City of Tulare's City Limits and Sphere of Influence. Land Uses as shown in the City's General Plan Map contain predominantly light industrial and single-family residential uses west of "K" Street. As such, the Project would not conflict with the City's General Plan. Also, the Project is consistent with the Matheny Tract Hamlet Plan to serve the community's existing needs (including some infill development within the community's Hamlet Development Boundary) and would provide sufficient capacity to could accommodate a modest amount of planned future development. Therefore, since the Project would not result in substantial growth and is generally consistent with the existing conditions in Matheny Tract, it would not conflict with the Tulare County General Plan. Based on substantial evidence in the record by the Planning Department, this Project will not conflict with the existing zoning as specified by the City of Tulare or the County of Tulare. As such, mitigation measures are not necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

bb. Impact 3.10 Land Use and Planning – c) Conflict with any Habitat and Natural Conservation Plan

Pursuant to the discussion in Section 3.10 c) of the Final EIR, there will no impact involving Conservation Plans. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause an impact involving the applicable habitat conservation plans or natural community conservation plans, and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project site is not within the Kern Water Habitat Conservation Plan area, and has none of the species identified in the Recovery Plan for Upland Species in the San Joaquin Valley. Accordingly, there is no impact. As such, no mitigation measures are necessary or required.



Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

cc. Impact 3.11 Mineral Resources – a) and b) Loss of availability of Statewide or Local Mineral Resource; Loss of availability of Resource Recovery Site

Pursuant to the discussion in Section 3.11 a) and b) of the Final EIR, the proposed Project would result in no impact to mineral resources locally or of statewide importance. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will cause no impact involving the loss or availability of known mineral resources. As such, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the proposed Project does not include a mining operation and is not located in a known mineral resource zone. The nearest active mine and mineral production plant is located approximately 30 miles southeast of the Project. Accordingly, there would be no impacts. No mitigation measures are necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

dd. Impact 3.12 Noise – a) Excess of Noise Standards

Pursuant to the discussion in Section 3.12 a) of the Final EIR, the proposed Project's construction would involve temporary, short-term noise sources including site preparation, installation of the pipeline, and site cleanup work and is expected to last for approximately six (6) to nine (9) months. Construction-related short-term, temporary noise levels would be higher than existing ambient noise levels in the Project area, but would not occur after construction is completed. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the proposed Project will not result in a significant impact involving noise in excess of the applicable County standards. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project construction would involve temporary, short-term noise sources and compliance with Tulare County General Plan Policies HS-8.11, HS-8.18 and HS-8.19 would minimize construction-related noise of the Project. The normal operations of the proposed Project will have a minimal impact on the overall ambient noise levels of the area. Accordingly, impacts will be less than significant with implementation of General Plan Policies HS-8.11, HS-8.18 and HS-8.19. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

ee. Impact 3.12 Noise – b) Exposure to or Generate Excessive Ground-borne Vibration or Noise

Pursuant to the discussion in Section 3.12 b) of the Final EIR, the proposed Project would result in a less than significant impact or generation of excessive vibration or ground borne noises. The Board concurs with this analysis.

Accordingly, based on substantial evidence in in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact involving any vibration or ground borne noises in excess of the applicable County standards; no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project's construction-related activities would result in minor amounts of groundborne vibration, such groundborne noise or vibration would attenuate rapidly from the source and would not be generally perceptible outside of the construction areas. In addition, there would not be any vibrational impacts from operation and maintenance activities. Accordingly, there is less than significant impact. As such, no mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

ff. Impact 3.12 Noise – c) Increase in Noise Levels Above No-Project Levels

Pursuant to the discussion in Section 3.12 c) of the Final EIR, the proposed Project would result in less than significant impacts, for both construction- and operational-related activities, above the existing ambient noise environment in the vicinity of the Project site which is dominated by agricultural uses (and agricultural-related equipment (e.g., tractors) used to support agricultural uses) and by vehicles traveling along Road 196. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will cause a less than significant impact involving any noise in excess of No-Project conditions. The Board concurs with this analysis.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the ambient noise environment in the vicinity of the proposed Project site is dominated by agricultural-related uses. No noise would be generated from the operation of the pipeline, which would be buried underground. The pumps operating at the lift stations would emit a very low level noise that would be barely detectable outside their enclosures. The proposed Project will temporarily increase ambient noise levels; however, the increase in noise levels will not exceed Tulare County's Maximum Acceptable Ambient Noise Exposure for Various Land Uses. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

gg. Impact 3.12 Noise – d) Temporary or Periodic Increase in Ambient Noise Levels

Pursuant to the discussion in Section 3.12 d) of the Final EIR, the proposed Project would result in less than significant impacts above existing levels for both construction and operationally with

implementation of General Plan Policies HS-8.11 Peak Noise Generators, HS-8.18 Construction Noise, and HS-8.19. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that with implementation of the above noted General Plan Policies, the impacts to noise would be less than significant. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the ambient noise environment in the vicinity of the proposed Project site is dominated by agricultural-related uses. The proposed Project will temporarily increase ambient noise levels; however, the increase in noise levels will not exceed Tulare County's Maximum Acceptable Ambient Noise Exposure for Various Land Uses. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

hh. Impact 3.12 Noise – e) and f) Public Airport or Private Airstrip Noise

Pursuant to the discussion in Section 3.12 e) and f) of the Final EIR, the proposed Project would result in no impact from exposure to excessive airport noises. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not expose persons to excessive airport and will result in no impact involving an airport land use plan within two miles of a public airport, or locate persons within the vicinity of an operating airstrip. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project is not located near an airport runway or airfield (airstrip). Accordingly, there is no impact and mitigation measures are not necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

ii. Impact 3.13 Population and Housing – a) – c) Induce Substantial Population Growth; Displace Substantial Numbers of Existing Housing; Displace Substantial Numbers of People

Pursuant to the discussion in Section 3.13 a) – c) of the Final EIR, there will be less than significant to no impact to the environment involving population and housing. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause an impact to population and housing, and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that construction of the Project is consistent with the County's General Plan Land Use Element, and zoning designations, and will not encourage additional population growth in this rural area of the County. No dwellings on the Project site or rural homes in the surrounding area will be relocated, built, or

demolished as a result of the Project. Further, the intent of this Project is to also remedy and/or avoid potential future groundwater contamination caused by seepage of wastewater into the underground water supply. Connecting and consolidating of wastewater treatment facilities with the City of Tulare would accomplish this goal through eventual abandonment of existing septic systems, termination of wastewater discharge from system tanks into the ground, and avoidance of construction of a stand-alone waste water treatment facility (including percolation ponds) in or near Matheny Tract. As such, designing and constructing a wastewater system capable of servicing the existing land uses and planned growth within the Matheny Tract Urban Development Boundary. Accordingly, there will not be any impacts on population or housing conditions in the Project area vicinity. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

jj. Impact 3.14 Public Services – a)– Fire Protection

Pursuant to the discussion in Section 3.14 a) of the Final EIR, there will not be a significant impact to the environment involving public services. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to public services, and thus, mitigation is not necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project will not require fire protection services. As such, impacts on Public Fire Protection Services will be less than significant. As such, mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

kk. Impact 3.14 Public Services – a) Police Protection, Schools, Parks, Other Public Facilities

Pursuant to the discussion in Section 3.14 a) Police, Parks, and Schools of the Final EIR, there will not be a significant impact to the environment involving police; park, and school-related public services. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to the services rendered by police, the use of parks, or the need for additional schools or other public facilities due to this Project, and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that construction of the Project will not impact the County's Sheriff support needs, the use of the surrounding parks, or increase the need for schools or other public facilities. Accordingly, there will not be any impacts on sheriff's services, parks, or school services in the Project area vicinity. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.



ll. Impact 3.15 Recreation – a) and b) Increase Use of Parks or other Recreational Facilities; Require Construction or Expansion of Recreational Facilities

Pursuant to the discussion in Section 3.15 a) and b) of the Final EIR, there will be no impact to recreational facilities within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not impact recreational facilities within the Project's vicinity and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Final EIR and Public Record of Proceedings indicates that the Project is being recommended to remedy existing public health issues within the unincorporated community of Matheny Tract. The proposed wastewater pipelines would be adequately sized to serve the community's existing needs (including some infill development) and are not intended to provide additional capacity for substantial amounts of future development. Typically, the increased use of parks and recreational facilities result from the addition of new housing and the accompanying growth of persons. No new housing is proposed as part of the proposed Project. As such, there would be no impact on existing or the need for additional recreation facilities. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

mm. Impact 3.16 Transportation/Traffic – a) and b) Conflict with an Applicable Plan, Ordinance or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System; Conflict with County Traffic Levels of Service

Pursuant to the discussion in Section 3.16 a) and b) of the Final EIR, there will no significant impact to the environment involving traffic increases or level of service standards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to the proposed Project impacts involving traffic increases or the level of service standards for roads. As such, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings; potential Project impacts related to this Checklist item will be less than significant. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

nn. Impact 3.16 Transportation and Traffic – c) Air Traffic and d) Design Features

Pursuant to the discussion in Section 3.16 c) and d) of the Final EIR, there will be no impact to Air Traffic and Design Features by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not impact air traffic and design features; and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record indicates that the Project has no discernable or possible effect on these items, and thus there is no impact. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

oo. Impact 3.16 Transportation and Traffic – e) Emergency Access

Pursuant to the discussion in Section 3.16 e) of the Final EIR, there will be a less than significant impact to Emergency Access by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to emergency facilities with the implementation of mitigation.

Mitigation is set forth in Mitigation Measure 3.16-1. Such mitigation is hereby adopted for this Project. All Mitigation Measure(s) shall be implemented, as applicable, by the County of Tulare, construction contractor, or the County Environmental Assessment Officer during construction-related activities. Monitoring shall be the responsibility of the RMA.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record indicates that

As such, there would be a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

pp. Impact 3.16 Transportation and Traffic – f) Bicycle Traffic

Pursuant to the discussion in Section 3.16 f) of the Final EIR, there will be no impact involving adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that there will be no impacts to adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities as a result of this Project.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record indicates that the Proposed Project does not consist of any elements that would conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, and thus, there is no impact. No mitigation measures are necessary or required.

Thus, there are no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

- qq. Impact 3.17 Utilities and Service Systems – a) - f) Exceed Wastewater Treatment Capacity; Require or Result in the Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities; Require or Result in the Construction of New Storm Water Drainage Facilities or Expansion of Existing Facilities; Have Sufficient Water Supplies; Adequate Wastewater Treatment Capacity to Serve the project's Projected Demand in Addition to the Provider's Existing Commitments; and Sufficient Landfill Capacity

Pursuant to the discussion in Section 3.17 a) thru f) of the Final EIR, there will be a less than significant impact involving wastewater treatment, storm water drainage facilities, water supplies, and landfill capacity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will cause a less than significant impact to wastewater treatment, storm water drainage facilities, water supplies, and landfill capacity; and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record indicates that the Project is subject requirements of the Central Valley Regional Water Quality Control Board (CVRWQCB). The City of Tulare's wastewater treatment facility (WWTF) has the capacity to accommodate the increased flows from Matheny Tract and neither new or expanded WWTF would be required. As indicated in the Draft Recirculated EIR, specifically at the discussions regarding Alternatives 5 and 6 (24- or 42-inch diameter wastewater pipeline along Avenue 216/Paige Avenue; respectively), the project is intended to increase the *conveyance* (emphasis added) capacity. As applicable; the project will comply with Storm Water Pollution Prevention Plan (SWPPP) during construction-related activities and will not result in water erosion during day-to-day operations; adequate water supply will provided by the existing public water system (Matheny Tract Mutual Water Company) and; the Project will not result in a day-to-day solid waste stream and the minimal solid waste material generated during construction-related activities can be accommodated at a local landfill. Therefore, the Project has a less than significant impact. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

- rr. Impact 3.17 Utilities and Service Systems – g) Comply with Federal, State, and Local Statutes and Regulations related to Solid Waste

Pursuant to the discussion in Section 3.17 e) of the Final EIR, there will be no impact to federal, state, and local statutes and regulations related to solid waste by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not impact the ability to comply with federal, state, and local statutes and regulations related to solid waste; and thus, no mitigation is necessary or required.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record indicates that the Project's solid waste resulting from construction-related activities would be disposed of by the County's franchised hauler on a periodic basis

and would be properly disposed at a County owned/operated landfill (likely Visalia Landfill as it is the nearest landfill). All solid waste disposal procedures would be in compliance with the relevant provisions of AB 32 and AB 939, and thus, there is no impact. No mitigation measures are necessary or required.

Thus, there are less than significant impacts. There is no evidence to the contrary in the Public Record of Proceedings.

ss.           Impact 3.18 a) Mandatory Findings of Significance: Wildlife Species or Historical Impacts

Pursuant to the discussion in Section 3.18 a) of the Final EIR, there will be less than significant impact to wildlife species or historical resources by this Project with implementation of Mitigation Measures 3.4-1 thru 3.4-8 in regards to wildlife species, and Mitigation Measures 3.5-1 through 3.5-3 in regards to historical resources. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that with Mitigation Measures 3.4-1 thru 3.4-8, and Mitigation Measures 3.5-1 through 3.5-3, the Project will not cause a significant impact involving wildlife species or historical resources.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record indicates that the site of the proposed Project is an intensely disturbed landscape devoid of natural habitat, wetlands, foraging areas, or movement corridors thus eliminating the potential for impacts to biological species. No significant cultural resources were identified within ½ mile of the Project site; however, in order to address the potential of cultural resources being unearthed as a result of Project-related ground excavation, Mitigation Measures 3.5-1 through 3.5-3 were added in the unlikely event that human remains are unearthed during Project-related ground excavation.

tt.           Impact 3.18 b) Cumulative Impacts

See Section IV Cumulative Impacts below.

uu.           Impact 3.18 c) (Substantial Adverse Effects)

Pursuant to the discussion in Section 3.18 c) of the Final EIR, there will not be a direct or indirect significant impact due to substantial adverse effects to humans by the Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that there are no significant environmental adverse effects from this project to human beings. Rather, the Project would benefit the community of Matheny Tract by collecting wastewater via a community-wide collection system and delivering said wastewater to a fully functional and operating wastewater treatment facility.

In support of this finding, the evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record indicates that the Project would not result in any impacts to human beings beyond what has already been analyzed in Chapters 3.1 to 3.17, and thus



there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

## IV

### CUMULATIVE IMPACTS

CEQA Guidelines Section 15130 (a) requires that an EIR discuss the cumulative impacts of a Project when the Project's incremental effect is "cumulatively considerable," meaning that the Project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issue and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other Projects contribute rather than the attributes of other Projects which do not contribute to the cumulative impacts.

#### A. Biological Impacts

Pursuant to the discussion in Section 3.4 a) through f) of the Final EIR, the Project will cause a less than cumulatively significant impact to biological resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the mitigations required in Mitigation Measures 3.4-1 thru 3.4-8 will lessen any significant impacts to cumulative biological resources. This cumulative impact relating to biological resources will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that since the direct impacts are not significant, with the implementation of Mitigation Measures 3.4-1 thru 3.4-8, as contained in section 3.4 of the DIER and evidence in the Biological Evaluation Report (Appendix "B" of the Draft EIR). Further, the adopted Mitigation Measures will assure that any biological impacts are mitigated to a level of less than significant.

#### B. Cultural Resources

Pursuant to the discussion in Section 3.5 a) through d) of the Final EIR, the construction related incremental impact of the Project may cause a potentially cumulatively significant impact to cultural resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Mitigation's required in Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 will lessen any significant impacts to cumulative cultural resources. This cumulative impact relating to cultural resources will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the

recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.5-1, 3.5-2, and 3.5-3, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

C. Transportation/Traffic – Emergency Access

Pursuant to the discussion in Section 3.16 e) of the Final EIR, there will be a less than significant cumulative impact to Emergency Access by this Project. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares and declares that the no mitigation measures are necessary or required to lessen any significant impacts to cumulative Transportation/Traffic impacts.

Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Mitigation's required in Mitigation Measure 3.16-1 will lessen any significant impacts to cumulative the Transportation/Traffic – Emergency Access resource. This cumulative impact relating to Emergency Access will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives

D. Tribal Cultural Resources

Pursuant to the discussion in Section 3.5 a) through d) of the Final EIR, the construction related incremental impact of the Project may cause a potentially cumulatively significant impact to cultural resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Mitigation's required in Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 will lessen any significant impacts to cumulative cultural resources. This cumulative impact relating to cultural resources will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.5-1, 3.5-2 and 3.5-3, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

E. Conclusion

In further support of the foregoing discussion, the County of Tulare (as the applicant) complies with Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program.

## V

### **GROWTH INDUCING IMPACTS**

Pursuant to the discussion in Chapter 6 of the EIR and consistent with Public Resources Code Section 21100(b)(5) and State CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no direct growth-inducing impacts resulting from this Project.

Based on substantial evidence in the EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the development of the Project is unlikely to result in or contribute to population growth inducement because the Project will not result in an increase in employment, and correspondingly, would not result in an increase in population or associated demand for housing in the area. For these reasons, the Project is not anticipated to result in growth inducement. Therefore, the operation of the proposed Project would not result in new growth in the area relating to the potential population increase.

The proposed Project does not include new homes, and the proposed Project will result in an increase of only temporary, construction-related employees. The temporary increase employees will not induce population growth because of the relative size and short-term use of employees necessary to construct the Project. As such, the proposed Project does not have the potential to induce significant growth in Tulare County.

## VI

### **SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT**

Pursuant to the discussion in Section 6.2 of the EIR and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no significant environmental impacts that cannot be avoided.

In support of this finding, the evidence indicates that there are various implications from the significant environmental impacts. There are no feasible Mitigation Measures that are necessary or required, other than those required and adopted for this Project, that could further reduce these impacts to a level of less than significant.

As there are no significant and unavoidable environmental impacts, the Project is proposed and approved to enable the applicant to achieve the Project's basic objectives; including: (1) to establish and operate an economically viable and competitive Project in compliance with applicable laws and regulations; (2) to optimally utilize available land resources; and (3) to mitigate environmental impacts to the extent feasible. In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of less than significant. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures, there will be no cumulative environmental impacts that remain significant and unavoidable.

## VII

### **ANALYSIS OF ALTERNATIVES**

In connection with alternatives, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code Sections 21002, 21002.1; Guidelines Section 15126.6).

#### A. Alternatives:

The proposed Project constitutes connection to the existing City of Tulare wastewater treatment plant, identified by the Matheny Tract “Wastewater System Project Feasibility Report.” Construction of wastewater collection laterals from each home or business within Matheny Tract and connection to collection lines in the various County rights-of-way abutting the homes and businesses would occur. These collection lines would then inter-tie to a main line (with a yet-to-be-determined diameter) that would deliver the wastewater to the City of Tulare wastewater treatment plant (WWTP) located at the intersection of Road 92/S. West Street and Avenue 216/Paige Avenue (approximately 0.5 miles northwest of Matheny Tract). The wastewater main line would be constructed within the Road 96/Pratt Street right-of-way extending from Matheny Tract to the City of Tulare’s sewer trunk pipeline (at the intersection of Avenue 216/Paige Avenue and Road 96/Pratt Street). Depending on precise engineering designs, it is possible that more than one lift station or other appurtenant structures may also be required. Pipelines for the wastewater collection system would be installed via open-cut trenching; trenches would be closed upon completion of construction. Roadways would be repaved/resurfaced as needed and specified by the County of Tulare and/or City of Tulare. The basic objectives of the Project, as described in the EIR, are to connect to the City of Tulare wastewater treatment facility; abandonment of the existing individual residential on-site septic tank/leach line systems located within Matheny Tract; provide beneficial environmental impacts by eliminating wastewater discharge from on-site system tanks into the ground; avoid construction of a stand-alone wastewater treatment facility (including percolation ponds) in or near Matheny Tract; reduce and/or remove the threat of potential groundwater contamination caused by seepage of wastewater from failing and improperly operating septic systems into the underground water supply in the Community and the surrounding area; provide the most cost-effective, safe, and reliable means to collect and treat wastewater; and implement an as affordable fees schedule to efficiently and effectively maintain and operate the wastewater system to enhance the quality of life for Matheny Tract residents. CEQA requires that an EIR analyze a reasonable range of alternatives. (Public Resources Code Sections 21102, 21002.1 and State CEQA Guidelines Section 15126.6.) The alternatives to the Project that were considered in the EIR are described as:

- |                |   |
|----------------|---|
| Alternative 1: | On-site Systems with Implementation of a Septic Tank Maintenance District   |
| Alternative 2: | Gravity Collection System and Consolidation with the City of Tulare<br>(Preferred Alternative)  |
| Alternative 3: | Gravity Collection System with Conventional Wastewater System (that is, a<br>new collection system and wastewater treatment facility for Matheny Tract)   |
| Alternative 4: | No Project  |
| Alternative 5: | Construct New 27-inch Diameter Pipeline to provide capacity to serve<br>Matheny Tract and provide capacity to serve previously approved development<br>projects within the City of Tulare                               |
| Alternative 6: | Construct New 42-inch Diameter Pipeline to serve Matheny Tract, provide<br>capacity to serve previously approved development projects within the City of<br>Tulare, and to provide capacity for future build-out flows. |



As Alternatives 5 and 6 would serve the same purpose as Alternative 2 (but with varying pipeline diameters and with greater lengths), they have been incorporated into the Alternative analysis as Alternatives 2a and 2b; respectively. As discussed in Alternatives 1 through 4, each of the Alternatives could result in more adverse environmental impacts as specified on the CEQA resources checklist. However, Alternatives 5 and 6 would result in similar impacts as original Alternative 2. Therefore, the proposed Project is the environmentally superior alternative. As indicated in the PFR Addendum, “Based on the information presented in Table 3-1 [Table 2-1 in the RDEIR], the updated ranking of the alternatives is provided below. As the ranking indicates, Alternative No. 2 (with either size main), the previously selected alternative, continues to be the preferred alternative.

The comparison of various factors was considered in Chapter 5 of the EIR. Table 5-2 and 5-3 of the Recirculated Draft EIR (made a part hereof) provides matrices that compares the environmental impacts of differing Project Alternatives against the Project.

Environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative are shown in **Table 5-2**.

<b>Table 5-2 Impacts of Alternatives Compared to Preferred Alternative Connection to City of Tulare WWTP</b>					
<b>Impact Topic</b>	<b>Alternative 1 Septic Tank Maintenance District</b>	<b>Alternative 3 New Sewer Collection System and WWTP</b>	<b>Alternative 4 No Project</b>	<b>Alternative 4 27-inch Trunk to WWTP</b>	<b>Alternative 4 27-inch Trunk to WWTP</b>
Aesthetics	less	<b>similar-greater</b>	less	similar	similar
Agriculture	less	<b>greater</b>	less	similar	similar
Air Quality	less	<b>greater</b>	less	<b>greater</b>	<b>greater</b>
Biology	less	<b>similar-greater</b>	less	similar	similar
Cultural	unknown	<b>greater</b>	less	similar	similar
Geology/Soils	<b>greater</b>	similar	less	similar	similar
Greenhouse Gases	similar	<b>greater</b>	less	<b>greater</b>	<b>greater</b>
Hazards & Hazardous Materials	less	similar	less	similar	similar
Hydrology/Water Quality	<b>greater</b>	similar	<b>greater</b>	similar	similar
Land Use	less	<b>greater</b>	less	similar	similar
Mineral Resources	less	similar	less	similar	similar
Noise	less	<b>greater</b>	less	<b>greater</b>	<b>greater</b>
Population/Housing	less	similar	less	similar	similar
Public Services	similar	similar	less	similar	similar
Recreation	similar	similar	similar	similar	similar
Transportation and Traffic	similar	<b>greater</b>	less	<b>greater</b>	<b>greater</b>
Utilities	similar	similar	less	similar	similar
Mandatory Findings	similar	<b>greater</b>	less	similar	similar

**Table 5-3** is a matrix comparing each Alternative's and the Preferred Alternative's abilities to achieve the Evaluation Criteria.

<b>Table 5-3 Comparison of Alternative Attaining Evaluation Criteria</b>					
<b>Evaluation Criteria</b>	<b>Alternative 2 Septic Tank Maintenance District</b>	<b>Alternative 3 New Sewer Collection System and WWTP</b>	<b>Alternative 4 No Project</b>	<b>Alternative 5* 27-inch Trunk to WWTP</b>	<b>Alternative 6 42-inch Trunk to WWTP</b>
Project Specific Elements	No	Yes	No	Yes	Yes
Meet all Project Objectives	No	Yes	No	No	Yes
O & M and Cost Efficiency	Maybe	Yes	Yes & No	Yes	Yes
Reduce Significant Impacts	Yes & No	Yes	Yes & No	Yes	Yes
Physical Feasibility	Yes	Yes	Yes	Yes	Yes
<i>* Does not meet City of Tulare's Build-out criteria, as such, it is considered inferior to Alternative 6.</i>					

**B. Environmentally Superior Alternative:**

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown above in Tables 5-2 and 5-3.

As previously described, Tables 5-2 thru 5-3 provide a summaries of the anticipated impacts resulting from implementation of the alternatives compared to those identified for the originally proposed project. As summarized in the Table 5-2, the environmentally superior alternative for this project would be Alternative 2b (Alternative 6). Other than the No Project Alternative, this is the only alternative that would reduce the severity of most environmental impacts associated with the proposed project. However, as described earlier, the PFR Addendum noted that the City of Tulare has determined that the use of the existing 27-inch wastewater pipeline does not have the conveyance capacity to accommodate Matheny Tract, and the City's needs. As such, as indicated in the PFR Addendum, Alternative 2a (Alternative 5) is not considered feasible by the City. Whereas, Alternative 2b (Alternative 6) would meet all of the initial project's objectives and is considered the best ranked and new preferred alternative.

Alternative 1 would result in greater impacts to Geology/Soils and Hydrology/Water Quality; Alternative 3 would result in greater impacts related to Aesthetics, Agriculture and Forestry Resources, Air Quality, Biology, Cultural, GHGs, Land Use, Noise, Population/Housing, Transportation/Traffic, and Mandatory Findings; Alternative 4 by definition would not meet the objectives of the proposed project; Alternatives 5 and 6 would result in greater impacts to Air Quality, GHGs, Noise, and Transportation/Traffic. After this full, substantial, and deliberate analysis the proposed Project remains the preferred alternative.

The Board finds that the County (as the applicant) is required to undertake Mitigation Measures. These Measures are restrictive and are applied to the Project as described in the Draft, Recirculated Draft EIR, and Final EIR. Thus, it is in the public interest for the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. In light of the foregoing discussion, and when balancing these interests, the Board finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The Board finds and concludes that, as discussed in the Statement of Overriding Considerations (Chapter 7 of the DEIR), There are No Environmental Impacts That Cannot Be Avoided and there are no irreversible impacts; therefore, a Statement of Overriding Considerations is not necessary. The Project's merits and objectives are discussed in the Project Description and are found to be consistent with the intent of Tulare County 2030 General Plan. In addition, the Project's merits outweigh any unavoidable and inmitigable impacts warranting a Statement of Overriding Considerations.

The EIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division.

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# **STATEMENT OF OVERRIDING CONSIDERATIONS**

As the Project will have no significant and unavoidable effects; a Statement of Overriding Considerations is not necessary or required as part of this Final EIR.