COUNTY OF TULARE

RESOURCE MANAGEMENT AGENCY

5961 South Mooney Boulevard
Visalia, CA 93277

Dunn Asphalt and Concrete Batch Plant

Draft Environmental Impact Report
SCH# 2019011039

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

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Executive Summary

This Draft Environmental Impact Report (Draft EIR, DEIR, or EIR) concludes that the proposed Dunn Asphalt and Concrete Batch Plant Project ("Project" or "Proposed Project") could result in a ***Significant and Unavoidable Impact*** to the Air Quality resource.

The proposed Project includes the development of an asphalt/ concrete batch plant on an approximately 20-acre site at 7763 Avenue 280, Visalia, CA, which is located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 76 in an unincorporated area of Tulare County. The Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) a concrete batch plant that would produce 100,000 cubic yards of concrete per year; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year; and 3) recycling of 30,000 cubic yards per year of concrete and asphalt to be crushed into recycled base.

The DEIR has been prepared consistent with the California Environmental Quality Act (CEQA). Its intent is to inform the public and the Tulare County Planning Commission and Tulare County Board of Supervisors of the potential environmental impacts the proposed Project could have on resources as specified in the CEQA Guidelines. This DEIR, in its entirety, addresses and discloses potential environmental effects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts in the following resource areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities-and Service Systems
- Tribal Cultural Resources
- Wildfire
- Mandatory Findings of Significance

Although the Mandatory Findings of Significance is not a resource per se, it is required as it essentially provides a summary conclusion of the Project's potential on Long Term Impacts; Cumulative Impacts; and Impacts to Species, Historical Resources, and on Human Beings. It is at this discussion where the EIR concludes that there would be no significant adverse environmental impacts as a result of this Project.

CEQA requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public disclosure document designed to provide local and state governmental agency decision makers with an objective analysis of potential environmental consequences to support

informed decision-making. This DEIR (**State of California Clearinghouse # 2019011039**) has been prepared by Tulare County in accordance with CEQA Guidelines Sections 15120 through 15131 and Section15161 regulating EIRs to i) evaluate the environmental consequences of the Project, ii) to discuss alternatives to the proposed Project, and iii) to propose mitigation measures that will offset, minimize or avoid identified significant environmental impacts. This document focuses on issues determined to be potentially significant as discussed in the Initial Study and the public scoping process completed for this Project, as well as comments received on the Notice of Preparation (NOP) circulated by Tulare County in January 2019. Pursuant to CEQA Guidelines Section 15082, the NOP for the proposed Project was circulated for review and comment on January 18, 2019, and circulated for a 30-day comment period ending February 19, 2019. A Scoping Meeting was duly noticed and held on January 31, 2019, during the NOP comment period, at Tulare County RMA Main Conference Room at 5961 South Mooney Boulevard, Visalia, CA to solicit input on the scope of the EIR. No comments were received during this meeting (see Appendix "G" of this DEIR).

PROJECT DESCRIPTION

The Applicant is pursuing a Special Use Permit through Tulare County for the following: 1) permanent establishment of a concrete batch plant on the proposed site; 2) recycling of concrete and asphalt; and 3) permanent establishment of an asphalt batch plant on the proposed site.

PROJECT LOCATION

The proposed Project will be located in the central San Joaquin Valley, approximately 40 miles southeast of the City of Fresno and 60 miles northwest of the City of Bakersfield. The proposed Project will be located at 7763 Avenue 280, Visalia, CA, on the south side of Avenue 280 and east of Road 76. The site is approximately 0.65 miles west of State Route 99. The approximately 20-acre site is located on Tulare County APN 119-010-039. The site is currently zoned AE-40 (Extensive Agriculture – 40 Acre Minimum) and is within the Goshen 7.5 Minute USGS Quadrangle. The proposed Project site lies within Section 8, Township 19S, Range 24E, MDB&M.

The coordinates of the proposed Project site are:

Latitude: N 36° 17' 52.80"
Longitude: W 119° 24' 00.08"

PROJECT ELEMENTS

The proposed Project includes: a HMA batch plant and concrete batch plant (see descriptions below); areas for piles of recycled asphalt and aggregate materials; an existing approximate 9,000 square foot shop/warehouse building; an existing approximate 900 square foot office (a converted residential building); automobile and truck parking areas; and storm water basin (see Figure 2-3). At full capacity, the proposed Project would produce and distribute up to 150,000 tons of asphalt per year (average of 20 loads per day/120 loads per week/6,000 loads per year) and up to 100,000 cubic yards of concrete per year (average of 40 loads per pay/ 200 loads per week/10,000 loads per year).

Asphalt Production Process: The raw materials for the proposed Project operations will be brought in from Orosi (from an Applicant-owned site) and consists of 3/8"- 5/8" crushed gravel. The gravel will be dumped on a conveyor and sent to the on-site stock piles. Recycled asphalt paving (RAP) will also be delivered to the site and crushed to a 3/8"- 5/8" size, then moved to stock piles on the north end of the facility. The facility also accepts recycled rubble and asphalt grindings, which are further ground up to a specified thickness and used in the production of new asphalt. The aggregate will be loaded into the mixer, dried, mixed with oil and RAP, then placed on a conveyor to be sent into the storage silos. Silos are programmed to release a specific weight of asphalt into the trucks positioned under the silos.

The asphalt plant (while at full capacity) will operate up to six days per week, with a majority of the trips occurring between 7:00 a.m. – 4:00 p.m. An average of 15 employees will be on-site at the facility at any given time and days of operation. The site will include two types of truck trips consisting of materials import and asphalt export. When operating at maximum capacity, the proposed Project will generate up to 138 truck trips (combined import and export) per day, with an estimated 106 round-trip trucks during the A.M. Peak Hour and 17 trucks entering the site during P.M. Peak Hour and 35 exiting the site during P.M Peak Hour. The proposed Project will utilize one access/egress point from Avenue 280. A more in depth analysis of the traffic flow to/from the site is provided in Section 3.17 – Traffic/Transportation. Gencor's Ultraplant is a fuel efficient, environmentally clean and low maintenance asphalt processing plant. Gencor's plant provides a positive volatile capture and recovery system that eliminates blue smoke, and asphalt odors from the process and feeds them to the combustion process as fuel. The combustion system engineered on this equipment also achieves extremely low NOx emissions to reduce air pollutants from the operations.

Propane: The proposed Gencor's Ultraplant will ultimately be fueled using trucked-in liquefied propane gas. The applicant will use an existing 30,000 gallon above-ground propane tank on-site that provides fuel to the Gencor plant, crushing plant, and asphalt storage silo. The propane tank is refilled on a routine basis using a propane tanker truck. Fuel is pumped directly into the propane tank. A drip pan will be used during refueling to avoid spills to the surface.

Electricity: The proposed Project currently and will continue to utilize electricity provided by Southern California Edison.

Asphalt Oil: The proposed project will utilize a 60,000 gallon above-ground asphalt oil storage tanks on site. The oil is used internally within the Gencor plant as a mixing agent for the dried aggregate. Delivery and refilling the tanks is performed by a tanker truck and pumped directly into the holding tanks. A drip pan will be used to avoid spills to the surface during the refilling process.

Fuel / Diesel: The proposed Project will utilize two 12,000 gallon diesel fuel above-ground tank on site. This fuel tank will be used to fuel on-site equipment, water trucks, etc. Delivery and refilling the tank is performed by a tanker truck and pumped directly into the holding tank. A drip pan will be used to avoid spills to the surface during the refilling process.

Dust Control: To mitigate potential dust from the piles, the site will include automatic sprinklers that will be directed onto the piles. The sprinkler system will be used to keep the dust down during use of each of the piles for drop off and loading. The site will also have a water truck on-site to be utilized for internal road dust control. There are two existing wells on-site. One residential well to be used for the future office building, and an agricultural well that will be used for the sprinkler system and water truck (dust control).

Storm Drainage: On-site storm drainage is routed to a basin located at the southwest corner of the site. Wastewater from the office building will be directed to an on-site septic system.

Office/Warehouse Building: The existing residential structure located at the northeast corner of the site will be demolished and replaced with a new 20,000 square foot office/warehouse building. The building will include work areas for 10 new employees, a reception area, restroom facilities, a kitchen area, a warehouse/equipment storage area and landscaping in the immediate vicinity.

Landscaping/Aesthetics: The Project will include silos approximately 50' in height but will be setback no less than approximately 200 feet from Avenue 280 and screened with a berm along the length of the northern, western, and southern property lines with vegetation (trees and shrubs) at the top of the berm to effectively minimize line-of-sight views from the public right-of-way. As a project condition a landscaping plan shall be approved by the County prior to issuance of any grading or building permits.

PROJECT OBJECTIVES

- Tulare County General Plan Policy LU-5.1 encourages a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base. The proposed Project includes industrial development within an area allowable by a Special Use Permit.

- Tulare County General Plan Policy LU-5.3 requires adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment. The proposed Project includes provisions or landscaping to obstruct views from surrounding areas.

- Tulare County General Plan Policy LU-5.4 encourages the infill of existing industrial areas and ensure that proposed industrial uses will not result in significant harmful impacts to adjacent land uses. The site was previously used as a cotton gin facility and the proposed asphalt and concrete batch plant facility and environmental impacts, with the exception of Air Quality resources related to material transport, are, or can be reduced to, less than significant.

- Tulare County General Plan Policy LU-5.5 requires that industrial development be located where there is access from collector or arterial roads, and where industrial/heavy commercial traffic is not routed through residential areas with uses not compatible with such traffic. The Project proposes to be located in an area that contains only sparse rural

housing and is near a major highway. Access to and from the site for heavy duty trucks will be on roadways that are planned for such use.

- By the end of FY 2005, the goal was to ensure that the diversion rate for nonhazardous solid waste is greater than 40 percent. "Requirements for reducing the generation of solid waste are contained in Executive Order 13101. For recycling and waste prevention, each agency is required to establish a goal for diversion of solid waste from landfilling or incineration."[1] "The Legislature and Governor Brown set an ambitious goal of 75 percent recycling, composting or source reduction of solid waste by 2020 calling for the state and the Department of Resources Recycling and Recovery (CalRecycle) to take a statewide approach to decreasing California's reliance on landfills."[2] According to CalRecycle in their 2014 survey, *2014 Generator-Based Characterization of Commercial Sector Disposal and Diversion in California*, concrete and asphalt paving make up about 1.0% of disposed waste material and 0.7% of the overall total generation of waste material by the commercial sector in the State of California.[3] In addition there is the added cost for disposing concrete that results in greater tipping fees. The air pollutants from concrete mixing are also of special concern to the United States Environmental Protection Agency (U.S. EPA).[4] Therefore, the proposed Project's reuse of recycled concrete and asphalt materials is a benefit.

- The proposed Project is intended to implement Dunn's strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible.

The Project site area was previously used as a cotton gin facility. To minimize land cost and utilize previously developed land, thereby minimizing impacts to surround agricultural uses, the Project is proposed on the existing site. Initial operational costs would also be minimized on the Project site as the site has been previously improved with shop and office buildings. Services on another site would increase operational costs.

TULARE COUNTY OBJECTIVES

Tulare County's General Plan Policies that are applicable to the proposed Project's purpose and objectives are included in each CEQA Checklist Resource chapter contained in Chapters 3-1 thru 3-20. One hundred six (106) General Policies apply to this Project; following is a summary of some of those policies:

AG-1.1 Primary Land Use
AG-1.6 Conservation Easements

[1] U.S. Army Corps of Engineers, Selection of Methods for the Reduction, Reuse, and Recycling of Demolition Waste. Page 1-2. https://www.wbdg.org/FFC/DOD/UFC/ARCHIVES/ufc_1_900_01_2002.pdf. Accessed July 2019.

[2] CalRecycle. California's 75 Percent Initiative Defining the Future. http://www.calrecycle.ca.gov/75percent/. Accessed July 2019.

[3] CalRecycle. 2014 Generator-Based Characterization of Commercial Sector Disposal and Diversion in California. Table 32. Page 51. https://www2.calrecycle.ca.gov/WasteCharacterization/PubExtracts/2014/GenSummary.pdf. Accessed July 2019.

[4] U.S. Environmental Protection Agency Guideline 427/09. Concrete Batching.

AG-1.7	Preservation of Agricultural Lands
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AQ-1.7	Support Statewide Climate Change Solutions
AQ-1.8	Greenhouse Gas Emissions Reduction Plan/Climate Action Plan
AQ-1.9	Support Off-Site Measures to Reduce Greenhouse Gas Emissions
ED-2.2	Land Requirements
ED-2.3	New Industries
ED-3.1	Diverse Economic Base
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ERM-1.2	Development in Environmentally Sensitive Areas
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PROJECT BENEFITS

As detailed in Chapter 2, the Project will result in multiple Project Benefits. The Project will provide the following public and private benefits to Tulare County.

1) The Project will produce construction materials to support roadway improvements and other construction projects in Tulare County.

2) The Project will create 15-20 new permanent jobs.

3) The Applicant will support, through monetary contributions, roadway improvements in the County of Tulare. Prior to Project approval, the mechanism for payment of a $500,000 fair share payment shall be established (based on estimates by RMA- Public Works Engineering).

4) The Project includes diversion from landfills and recycling of 30,000 tons annually of asphalt and concrete.

5) The Project will implement one hundred six (106) Tulare County General Plan 2030 policies

6) The Project will provide aesthetic improvements through use of landscaping (trees and shrubs) along the Avenue 280 frontage, and along the length of the northern, western, and southern property lines, with a 5-year grow-out schedule to maturity.

SUMMARY OF CHAPTERS

Chapter 1 Introduction

The County of Tulare is proposing the Hash Farms Subdivision Project to allow the development of the phased construction of 160 single family residential units and forty multi-family units over approximately 54 acres. Also proposed in the development is a 2.54 acre park. The proposed

Project lies within a portion of the NE ¼ of Section 26, Township 16S, Range 22E, M.D.B.& M. The site is currently zoned A (Agriculture) and R-1-7 (Single Family Residential) and as a part of the proposed Project, will be rezoned to R-1-7, R-1-6 and RM (Multi-family Residential).

Local Regulatory Context: The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan, an EIR and background report were prepared. The General Plan background report contained contextual environmental analysis for the General Plan. The 2015 -2023 Tulare County Housing Element was adopted on November 17, 2015, and certified by State of California Department of Housing and Community Development on December 9, 2015.

Identification of Potentially Significant Impacts: Indicates that the EIR must identify potentially significant impacts consistent with CEQA Guidelines Section 15002 (h).

Consideration of Significant Impacts: Indicates that the EIR must consider significant impacts consistent with CEQA Guidelines Section 15126.2.

Mitigation Measures: Indicates that the EIR is required to contain mitigation measures consistent with CEQA Guidelines Section 15126.4.

Environmental Review Process: Summarizes steps taken prior to release of the draft EIR such as the Notice of Preparation, Scoping Meeting, and comments received from persons and/or agencies in response to the Notice of Preparation.

Chapter 2 Project Description, Objectives, and Environmental Setting

As noted earlier, the Hash Farms Development Specific Plan is a proposed plan for development of a 200-unit residential subdivision (160 single-family units and 40 multi-family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin. The proposed Specific Plan and "Memorandum of Understanding: Hash Subdivision Financing and Tax Sharing Plan" is provided in Appendix "H" of this DEIR.

In summary, Chapter 2 contains the following:

- Project Location: The proposed Project will be located at the northwest corner of Road 16 and Avenue 396, partially within the City of Kingsburg, Fresno County and Tulare County. The site is approximately one-half mile east of State Route 99 and approximately one-tenth of a mile south of State Route 201.

- Vicinity of Project Site: Generally, in the northwest quadrant of Tulare County and in the southeast portion of the City of Kingsburg, as shown in Figure 2-1.

- Project Description (baseline conditions information pertinent to the proposed Project): Describes the existing land use and the improvements proposed with the residential development.

- Project Objectives and Benefits: See pages ES-4 and ES-5, or Chapter 2, pages 2-5 and 2-6)

- Regulatory Setting: Applicable statutes, rules, regulations, standards, policies, etc. of the County of Tulare, local or special districts, utilities, and State and Federal governments.

Chapter 3 Impact Analysis of Resources

The CEQA Guidelines include a Checklist of resources that must be addressed in an EIR. These resources are listed on page ES-1. There are 20 specific Resources and Mandatory Findings of Significance discussed in detail in Chapter 3. The Resources are discussed in separate sections of Chapter 3 and each section is structured as follows:

- Summary of Findings;

- Introduction, including Thresholds of Significance;

- Environmental Settings;

- Regulatory Settings such as applicable Federal, State, and Local laws, statutes, rules, regulations, and policies;

- Impact Evaluation including Project Impacts, Cumulative Impacts, Mitigation Measures, and Conclusion;

- Definitions and Acronyms; and

- References.

Some resources required expertise to evaluate the Project's potential for impacts. As such, qualified experts prepared studies, evaluations, assessments, modeling, search results, etc. (studies/technical memoranda/search results; i.e.; supporting documents) to quantify and/or qualify potential resource impacts. The supporting documents are contained in Appendices "A" through "H". Among the studies are Appendix "A" includes *"Technical Memorandum Air Quality, Greenhouse Gases, and Energy Consumption for the Dunn Asphalt and Concrete Batch Plant;"* Appendix "B" includes *"Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project;"* Appendix "C" includes *"Phase I Survey, 7763 Avenue 280, Visalia, Tulare County, California"* (that is, archaeological, historical, cultural , and tribal cultural resources; Appendix "D" includes *"Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant;"* Appendix "E" includes *"Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant;"* Appendix "F" includes *"Traffic Impact Study Proposed Concrete and Asphalt Batch Plant;"* Appendix "G" includes Agricultural Land Conversion Analysis for the Dunn Asphalt and Concrete Batch Plant; Appendix "H" includes Notice of Preparation, Public Scoping Meeting, and Agency Comment Letters Received.

Chapter 4 Summary of Cumulative Impacts

A critically important component of an EIR is the Cumulative Impacts discussion. Chapter 5 discusses a Cumulative Impact Analysis under CEQA. Including Past, Present, Probable Future Projects; and a Summary of Cumulative Impacts. Whereas a project in and of itself may not result in an adverse environmental impact, its cumulative effects may. Therefore the CEQA Guidelines require a discussion of cumulative impacts per Section 15130. The Discussion of Cumulative Impacts defines cumulative impacts per Section 15355 - "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

With the exception of Air Quality, Greenhouse Gas Emissions, Biological, and Hydrological Resources, Chapter 5 defines Tulare County as the geographic extent of the impact analysis. The geographic area is considered the appropriate extent because:

1) The proposed Project is geographically located in Tulare County and City of Kingsburg and the County of Tulare is the Lead Agency; and

2) Tulare County General Plan and City of Kingsburg policies apply to the proposed Project.

The basis for the other Resource-specific cumulative impact analyses includes:

- Air Quality and Greenhouse Gas Emissions are based on the San Joaquin Valley Air Basin;
- Biological Resources are based on the San Joaquin Valley, the state of California, and the western United States;
- Hydrology is based on the Tulare County, the Tulare Lake Basin, and, the Tule Lake Sub-basin aquifers;
- Land Use Impacts are based on the County of Tulare 2030 General Plan; and
- Mandatory Findings of Significance are based on the San Joaquin Valley, the state of California, and the western United States

The Summary of Cumulative Impacts section discusses mitigable and immitigable impacts. Checklist Item criteria that would result in no impacts or less than significant impacts are discussed in the Chapter 3 and are not reiterated in Chapter 5. As noted in Chapter 5, there are no -Significant and Unavoidable Impacts; and Less Than Significant Impacts With Mitigation are summarized in Table 5-3 (Checklist Items with Less than Significant with Mitigation). There are a number of cumulative impacts that do not need mitigation; these impacts are listed in Table 5-4 (Checklist Items with Less Than Significant Impacts). Chapter 9 contains a complete list of Mitigation Measures to be implemented as part of the proposed Project. Chapter 5 also contains a No Impacts summary in Table 5-5 (Checklist Items with No Impacts).

Chapter 5 Alternatives

CEQA Guidelines Section 15126.6 requires that a reasonable range of Alternatives to the proposed Project be discussed in the EIR. The proposed Project is the superior alternative. The conclusion contained in Chapter 6 is based on the criteria established for the site and the three reasonable Alternatives. The three Alternatives evaluated are:

Alternative 1 – Reduced Density (Same Footprint)
Alternative 2 – Increased Density (Smaller Footprint)
Alternative 3 – No Build / No Project

The proposed Alternatives were analyzed based on five evaluation criteria which include each of the objectives of the Project and the assessment of the potential environmental impacts. Each Alternative considered did not meet all the evaluation criteria, as identified in Table 5-1 (Alternatives Evaluation), contained in Chapter 5. The following is a summary of the advantages and disadvantages of each Alternative:

Table ES-1. Alternatives Comparison	
Alternative No. 1 Advantages and Disadvantages	
Advantages	**Disadvantages**
Slightly less impacts to air quality/GHG, noise, traffic, water use, utilities, and population/housing.	Lack of diversity of housing products.
More attractive product to higher-end estate type housing buyers.	Economic feasibility (e.g., housing affordability) in question due to potential lack of higher-end buyers.
Alternative No. 2 Advantages and Disadvantages	
Advantages	**Disadvantages**
Slightly less impacts to air quality/GHG, noise, traffic, water use, utilities, and population/housing.	Does not provide for comprehensive planning of the specific plan area.
More lower/moderate income housing.	Lack of diversity of housing products.
Less impacts to agriculture, biological and cultural resources.	Lack of continuity with existing neighborhoods.
Alternative No. 3 Advantages and Disadvantages	
Advantages	**Disadvantages**
No environmental impacts beyond baseline conditions.	Does not meet any project objectives or project-specific elements.

As discussed in Alternatives 1 and 2, each of the Alternatives could result in more adverse environmental impacts than the proposed Project as specified on the CEQA resources checklist. Therefore, the proposed Project is the environmentally superior alternative.

Environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative are shown in Chapter 6 Alternatives in Table 6-1 Impacts of Alternatives

Compared to the Proposed Project. Table 6-2 is a matrix comparing each Alternative's and the Preferred Alternative's abilities to achieve the Evaluation Criteria.

Chapter 6 Economic, Social, & Growth Inducing Impacts

This Chapter discusses the Economic, Social, and Growth Inducing effects of the Project. It contains Table 6-1 which provides the CEQA requirements and a summary of the impact analysis as follows:

- Economic Effects - The proposed Project will not result in negative impacts to the region. It will result in increases in economic benefits to the region in the short term and long term. The Project will result in temporary construction-related jobs. Long term economic benefits include payment of property taxes as well as on-going income expenditures of the residents of the new housing in and around Kingsburg (such as groceries, gasoline, household items, etc.).
- Social Impacts - The proposed Project would not result in disproportionate environmental effects on minority populations, low income populations, or Native Americans. The proposed Project does not pose any adverse environmental justice issues that would require mitigation. The project would improve the availability of quality residential housing in the area.
- Growth Inducing Effects - The proposed Project would not result in significant growth inducing impacts. The Project site is already in the Kingsburg Sphere of Influence and is planned for residential development. The growth and associated population increase is in accordance with the housing parameters set forth in the City of Kingsburg General Plan and the Tulare County General Plan in reaching their RHNA goals.

The overall conclusion contained in Chapter 7 is implementation of the proposed Project will result in ***Less Than Significant*** environmental impacts, either individually or cumulatively, caused by either economic, social, or growth inducing effects.

Chapter 7 Immitigable Impacts

This discussion provides determinations consistent with CEQA Guidelines Sections 15126.2 (b) Environmental Effects That Cannot Be Avoided, 15126.2 (c) Irreversible Impacts, and Statement of Overriding Considerations.

This Project will not result in significant and unavoidable impacts. All impacts have been found to be less than significant, or have been mitigated to a level considered less than significant. Based on the analysis contained in the No Environmental Impacts That Cannot Be Avoided and the No Irreversible Impact sections contained in Chapter 8, 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 the County of Tulare and its 2030 General Plan. As noted earlier, there are one hundred fourteen (114) General Plan Policies that apply to this Project. Chapter 3 of this document provides a complete list of applicable policies for the specific Resource

item discussed. Thus, the Project's benefits would outweigh any unavoidable and immitigable impacts to warrant a Statement of Overriding Considerations.

Chapter 8 Mitigation Monitoring and Reporting Program

A summary of the Mitigation Monitoring and Reporting Program is contained at the end of this Executive Summary and in its entirety in Chapter 8. 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. The mitigation monitoring and reporting program is required to ensure compliance during a project's implementation. Consistent with CEQA requirements, the Mitigation Monitoring and Reporting Program contained in this EIR include 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.

Chapter 9 EIR Preparation

Key persons from the County of Tulare and the consulting firms that contributed to preparation of the Draft Environmental Impact Report (Draft EIR) are identified.

The sitting Tulare County Board of Supervisors, Tulare County Planning Commission, Tulare County Resource Management Agency RMA Director (Reed Schenke), Associate RMA Director (Michael Washam), Assistant RMA Director Economic Development and Planning (Aaron Bock), Chief Environmental Planner (Hector Guerra), and Planner IV (Jessica Willis) are noted.

This EIR also relied on the expertise of the following:
Appendix "A" includes
Jessica Willis, Planner IV, RMA - "Technical Memorandum Air Quality, Greenhouse Gases, and Energy Consumption for the Dunn Asphalt and Concrete Batch Plant;" included in Appendix "A".
Alta Environmental – Health Risk Assessment and September 20, 2019; San Joaquin Valley APCD Stationary Concrete Batch Plant Permit Application; San Joaquin Valley APCD Hot Mix Asphalt Plant Permit Application, September 6, 2019; San Joaquin Valley

APCD Concrete and Asphalt Recycling Plant Permit, September 6, 2019 included in Appendix "A".

Live Oak Associates, Inc. - *"Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project;"* included in Appendix "B".

ASM Affiliates - *"Phase I Survey, 7763 Avenue 280, Visalia, Tulare County, California"* (that is, archaeological, historical, cultural , and tribal cultural resources); included in Appendix "C".

"Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant;" included Appendix "D" includes

"Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant;" included in Appendix "E" includes

"Traffic Impact Study Proposed Concrete and Asphalt Batch Plant;" included in Appendix F

SUMMARY OF POTENTIAL IMPACTS & MITIGATION MEASURES

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
AESTHETICS							
3.1-1 Landscape screening (with a 5-year grow out schedule to maturity) shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project's structures and activities from the public right-of-way and views from Avenue 280 and along the western, eastern, and southern boundaries of the Project. A landscaping plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
3.1-2 The silos shall be painted in earth-toned colors to allow them to blend into the surrounding scenery to the fullest extent.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
AGRICULTURE & FORESTRY RESOURCES							
3.2-1 The applicant will be required to create an agricultural land conservation easement at a ratio of 1 acre of developed property for 1 acre of conserved agricultural land (a 1:1 ratio). This amount of 1:1 will be represented by 19.33 acres within the County. Any replacement acreage will be to the satisfaction of the Planning Director of Tulare County. The applicant will purchase an agricultural land conservation easement, of like agricultural land within the County, on the entire 19.33 acres to be maintained and kept in agriculture in perpetuity. The "ultimate" agricultural easement shall be placed on other suitable and	Prior to Issuance of Building Permit.	Approval of Agricultural Land Conservation Easement.	County of Tulare Planning Department	County of Tulare Planning Department			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
agriculturally compatible property, of the same soil types and arability, within Tulare County; at a replacement ratio of 1:1, and to be established as an agricultural land conservation easement in perpetuity.							
BIOLOGICAL RESOURCES							
Swainson's hawks and other raptors and migratory birds (including Loggerhead Shrike)							
3.4-1. (Avoidance). In order to avoid impacts to nesting birds, construction will occur, where possible, outside the nesting season, or between September 16 and January 31.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Field survey by a qualified Biologist.			
3.4-2. (Pre-construction surveys). If construction must occur during the nesting season (February 1-September 15), a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days of the onset of project initiation. Nest surveys will include all accessible areas on the project site and within 250 feet of the project site for tricolored blackbird, loggerhead shrike, and other migratory birds; within 500 feet for non-listed raptors; and 0.5 miles for Swainson's hawks. Inaccessible areas will be scanned with binoculars or spotting scope, as appropriate. If no active nests are found within the survey area, no further mitigation is required.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Field survey by a qualified Biologist.			
3.4-3. (**Establish Buffers**). If active nests are found within the survey areas a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance, baseline levels	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/	County of Tulare Planning Department	Qualified biologist.			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.		submittal of Report of Findings, if applicable					
GEOLOGY AND SOILS							
3.7-1 Submit to the Tulare County RMA Director a grading and construction plan that highlights the planned locations of excavations or other ground alterations that would result in the exposure of soils at depths greater than 5 feet below existing grade within the project site.	Prior to construction-related activities.	Approval by Tulare County RMA	County of Tulare Planning Department	County of Tulare Planning Department			
3.7-2 a) In the event any paleontological resources are exposed or discovered during subsurface excavation or construction in areas not being monitored by the professional paleontologist, ground-disturbing operations shall stop within 25 feet of the find and the professional paleontologist shall be contacted immediately to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan. **b)** If paleontological resource are encountered, retain the services of a qualified professional paleontologist as recognized by the Museum of Paleontology at U.C. Berkeley. **c)** If paleontological resource are encountered, authorize the professional paleontologist to prepare a Paleontological Monitoring and Recovery Plan, following the guidelines of the Society of Vertebrate	During construction-related activities.	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Planning Department	County of Tulare Planning Department			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
Paleontology (1995), and submit the Plan to the County for review and approval prior to ground disturbance. **d)** If paleontological resource are encountered, authorize the professional paleontologist to visually monitor the planned excavations that extend deeper than five (5) feet below existing grade at the project site. No monitoring of excavation or construction by the professional paleontologist is required outside the identified deep excavation areas within the project site. **e)** If paleontological resource are encountered, provide advance authorization to the professional paleontologist to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan to ensure protection, preservation, and proper recovery of any paleontological resources, including reporting requirements.							
HAZARDS AND HAZARDOUS MATERIALS							
8-1 The Project proponent shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			
8-2 Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.							
NOISE							
13-1 Construction-related activities (e.g., set-up), excluding emergency work and activities that would result in a safety concern to the public or construction workers, shall be limited to between the hours of 7:00 A.M. and 7:00 P.M. Construction-related activities (e.g., set-up) activities shall be prohibited on Sundays and federal holidays.	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			
13-2 Construction-related activities (e.g., set-up) equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			
TRANSPORTATION/TRAFFIC							
17-1. The Project Applicant will be responsible for paying an equitable share fee as determined between the Applicant and Caltrans based on the trips identified in Table 3.17-1 or through another methodology agreed upon by Applicant and Caltrans. Applicant and Caltrans will determine terms and timing of the equitable share.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department & Caltrans	Tulare County Planning Department			
17-2. The Project Applicant will pay their fair share towards the necessary maintenance based on a proportionate share calculation based on vehicle impact to the structural section for this roadway segment between SR 99 and the Tulare/Kings County line. This shall be made a Condition of Approval of the Project.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department	Tulare County Planning Department			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
TRIBAL CULTURAL RESOURCES							
18-1. 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	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	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.			
18-2 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, 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: 1. There shall be no further excavation or disturbance of the site or any nearby area	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	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			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. 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. 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 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.				with all applicable laws including CEQA.			

Table ES-2
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
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. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

Introduction
Chapter 1

PROJECT SUMMARY

Dunn's Equipment, Inc. (Applicant), is proposing development of an Asphalt and Concrete Batch Plant (including concrete recycling) located southwest of Visalia, in Tulare County, California.

The Applicant is seeking to operate the asphalt/concrete batch plant at 7763 Avenue 280 (Visalia, CA) which is located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 76 in an unincorporated area of Tulare County. The Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: (1) a concrete batch plant that would produce 100,000 tons of concrete per year; (2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of hot mix asphalt (HMA) per year; and (3) recycling of 30,000 tons per year of concrete and asphalt to be crushed into recycle base.

When operational, the proposed Project would utilize approximately 15-20 employees and include an approximate 1,000 square foot office. The Applicant is proposing to operate Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays. Depending upon demand, summer hours may begin earlier than 6:00 a.m. The Project would generate approximately 280 passenger car equivalent (PCE) trips during the morning peak travel periods and 110 PCE trips during the evening peak travel periods. Site access will be provided via one main driveway connecting to the south side of Avenue 280 approximately 1,000 feet east of Road 76. A majority of the trips will occur between 7:00 a.m. and 9:00 a.m., and between 4:00 and 6:00 p.m.

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 2009-2014 was adopted on May 8, 2012, and certified by State of California Department of Housing and Community Development on June 1, 2012.

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 *Draft Environmental Impact Report (DEIR)* 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."[1]

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 have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR..."[2]

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.

[1] CEQA Guidelines, Section 15002 (a).
[2] Ibid., Section 15002 (f).

(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."[3]

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."[4] (See Chapter 7)

This *Draft 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."[5] Significant impacts must be determined by applying explicit significance criteria to compare the future plan conditions to the existing environmental setting.[6]

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.

[3] Ibid., Section 15021.
[4] 2013 CEQA Guidelines, Section 15002 (h).
[5] Public Resources Code Section 21068.
[6] CEQA Guidelines Section 15126.2(a).

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."[7]

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.

[7] 2013 CEQA Guidelines, Section 15126.2

(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."[8]

ORGANIZATION OF THE EIR

Executive Summary

The Executive Summary Chapter summarizes the analysis in this Draft Environmental Impact Report.

CHAPTER 1

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA).

CHAPTER 2

Describes the proposed Project. The chapter also includes the objectives of the proposed Project. The environmental setting is described and the regulatory context within which the proposed Project is evaluated is outlined.

[8] 2013 CEQA Guidelines, Section 15126.4.

CHAPTER 3

Includes the Environmental Analysis in response to each Checklist item. Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

Each chapter will begin with a summary of impacts, pertinent CEQA requirements, applicable definitions and/or acronyms, and thresholds of significance.

Environmental Setting

Each environmental factor analysis in Chapter 3 will outline the environmental setting for each environmental factor. In addition, methodology is explained when complex analysis is required.

Regulatory Setting

Each environmental factor analysis in Chapter 3 will outline the regulatory setting for that resource.

Project Impact Analysis

Each evaluation criteria will be reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria will be reviewed for potential cumulative impacts.

Mitigation Measures

Mitigation Measures will be proposed as deemed applicable.

Conclusion

Each conclusion will outline whether recommended mitigation measures will, based on the impact evaluation criteria, substantially reduce or eliminate potentially significant environmental impacts. If impacts cannot be mitigated, unavoidable significant impacts will be identified.

Definitions/Acronyms

Some sub-chapters of Chapter 3 will have appropriate definitions and/or acronyms.

References

Reference documents used in each chapter are listed at the end of each sub-chapter.

CHAPTER 4

Summarizes the cumulative impacts addressed in Chapter 3.

CHAPTER 5

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.

CHAPTER 6

Evaluates or describes CEQA-required subject areas: Economic Effects, Social Effects, and Growth Inducement.

CHAPTER 7

Evaluates or describes CEQA-required subject areas: Environmental Effects That Cannot be Avoided, Irreversible Impacts, and Statement of Overriding Considerations.

CHAPTER 8

Provides a Mitigation Monitoring and Reporting Program 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.

CHAPTER 9

Outlines persons preparing the EIR.

APPENDICES

Following the text of this *Draft EIR*, several appendices and technical studies have been included as reference material.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines §15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment on January 25, 2019 and circulated for a 30-day comment period ending February 25, 2019. Tulare County RMA received five comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, dated January 25, 2019;
- California Department of Conservation, Division of Land Resource Protection, dated January 29, 2019;
- Tulare County Health & Human Services Agency, dated January 31, 2019;
- California Department of Transportation District 6, dated February 15, 2019; and
- San Joaquin Valley Unified Air Pollution Control District, dated February 20, 2019.

A copy of the NOP is included in Appendix "G", along with copies of letters received in response to the NOP.

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 entitles have a response to make and may ignore a late response."[9]

A scoping meeting was noticed in the Notice of Preparation and held on January 31, 2019. No comments were received during this meeting.

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 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. This *Draft EIR* was circulated publicly for a 45-day comment period beginning on Month Day, 2019 and ending on Month Day, 2019. Following completion of the review period, staff will prepare responses to comments and a *Final EIR* will be prepared. The *Final EIR* will then be forwarded to the County of Tulare Planning Commission for consideration of certification. Notwithstanding an appeal to the County of Tulare Board of Supervisors, a Notice of Determination will then be filed with the County of Tulare Clerk's Office and also forwarded to the State of California, Office of Planning and Research/State Clearinghouse.

[9] 2013 CEQA Guidelines, Section 15103.

ORGANIZATIONS AND PERSONS CONSULTED

Public Entities

1) U.S. Fish & Wildlife Service
2) U.S. Army Corps of Engineers Planning Division
3) U.S. Department of Agriculture - NRCS
4) U.S. Natural Resources Conservation Service
5) California State Clearinghouse
6) Cal Recycle
7) San Joaquin Valley Unified Air Pollution Control District
8) City of Tulare
9) City of Visalia
10) County of Kings
11) Tulare County Agricultural Commissioner
12) Tulare County Airport Land Use Commission
13) Tulare County Association of Governments
14) Tulare County Resource Management Agency:
    a. Planning Branch (Environmental Planning, Project Review, Building and Housing Divisions)
    b. Public Works Branch
    c. Tulare County Flood Control
    d. Tulare County Fire
15) Tulare County Environmental Health and Human Services Agency, Environmental Health Division
16) Tulare County Office of Emergency Services
17) Tulare County Resources Conservation District
18) Tulare County Sheriff's Office
19) Tulare County U.C. Cooperative Extension
20) Tulare Irrigation District

Native American Tribes

21) Kern Valley Indian Council
22) Santa Rosa Rancheria Tachi Yokut Tribe
23) Torres Martinez Desert Cahuilla Indians
24) Tubatulabals of Kern County of Tulare
25) Tule River Indian Tribe
26) Wuksachi Indian Tribe

Others

27) 4Creeks, Inc.
28) Dunn's Equipment, Inc.
29) La Joya Middle School

30) Linwood Elementary School
31) Southern California Edison
32) Southern California Gas Company
33) Sequoia Baptist Academy
34) Tulare County Farm Bureau
35) Visalia Montessori School
36) Visalia Unified School District

Project Description & Objectives
Chapter 2

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000 et seq.), the County of Tulare Resource Management Agency (RMA) is preparing this Environmental Impact Report (EIR) to evaluate the environmental effects associated with the Dunn Asphalt and Concrete Batch Plant Project (Project).

The Applicant is seeking to operate the asphalt/concrete batch plant at 7763 Avenue 280 (Visalia, CA) which is located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 76 in an unincorporated area of Tulare County. The Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) a concrete batch plant that would produce 100,000 tons of concrete per year for commercial and retail sale; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year for commercial and retail sale; and 3) recycling of 30,000 tons per year of concrete and asphalt to be crushed into recycle base.

PROJECT LOCATION

The proposed Project will be located in the central San Joaquin Valley, approximately 45 miles southeast of the City of Fresno and 2.5 miles west of the City of Visalia (see **Figure 2-1**). The proposed Project will be located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 68, in an unincorporated area of Tulare County. (see **Figure 2-2**). The site is approximately one mile west of State Route 99. The approximately 20-acre site is located on Tulare County APN 119-010-039 and is currently zoned AE-40 (Exclusive Agricultural-40 Acre Minimum) and the use would be consistent with the zoning with an approved special use permit. The site is located within the *Goshen* 7.5 Minute USGS Quadrangle in Section 8, Township 19S, Range 24E, M.D.B.& M.

The coordinates of the proposed Project site are:

Latitude: N 36° 17’46”
Longitude: W 119°24’28”

VICINITY OF PROJECT SITE

The area surrounding the proposed Project site predominantly consists of rural agricultural land, scattered rural residences, a private elementary school, active dairy facilities, the Visalia Municipal Airport (approximately 1.5 miles northeast), and the City of Visalia (approximately 2.5 miles east). The site is surrounded by dairies and dairy-related agricultural fields on its east,

west, and south sides; and a walnut orchard to the north. It is generally bound by Avenue 280 (immediately north), Road 68 (0.50 miles west), Avenue 272 (0.75 miles south), and State Route 99 (one mile east).

ZONING AND LAND USE

The site is zoned as AE-40 (Exclusive Agriculture-40 Acre minimum) and is proposed to remain as such pending approval of a Special Use Permit, which is the subject matter of this EIR. No expansion of the existing footprint is being proposed. The site was previously used as a cotton gin facility and still contains an area of crushed asphalt substrate, a metal-sided barn, a building believed to have been previously used as an office building, and a raised water storage tank.

PROJECT DESCRIPTION

According to the Applicant, the project will consist of the following components:

1. **Concrete Batch Plant:** This operation will consist of a concrete mixing plant and cement powder storage along with aggregate storage (1" x #4 rock, 3/8 rock and concrete sand) and batch operations to produce ready mix concrete. Cement and fly ash will be stored in separate silos approximately 40' tall which will be the tallest parts of the plant. Aggregate will be pushed into piles approximately 15' in height as trucks bring the materials to the site. The Applicant envisions producing 200,000 tons (100,000 cubic yards) of concrete per year resulting in 400 round-trip truckloads per week; 160,000 of aggregate (sand and gravel) for concrete resulting in 260 round-trip truckloads per week; and 28,000 tons of cement and fly ash delivery trucks resulting in 50 round-trip truckloads per week imported/exported into/from the site.

   Equipment to be used for concrete process: A wheel loader will be used to keep aggregate materials pushed up into stockpiles. The crushing plant is a California Air Resources Board approved portable plant that will be fed with an excavator and wheel loader. A water truck and sprinkler system will be used to control dust emissions.

2. **Recycling of Concrete and Asphalt:** This is a portable crushing plant that will be onsite as needed (estimated 5-10 times per year) depending upon the stockpile of materials. The Applicant will accept broken concrete and asphalt (ruble) that contractors will import and push into a stockpile up to approximately 15' in height. When the pile reaches a volume that is cost-effective to use, a portable crushing plant will reduce the ruble into base rock of a size suitable for use as road base (for example, to be used for public roads and parking lots). The Applicant estimates that approximately 30,000 tons of base rock will be produced annually resulting in 50 round-trip truckloads per week. Applicant also estimates 30,000 tons of recycled material resulting in 90 round-trip truckload per week.

   Equipment to be used for the recycling process: A wheel loader will be used to keep the rubble material pushed up into stockpiles to feed the aggregate into the plant and to load the

finished recycled base into trucks when exporting from the site. A water truck and sprinkler system will be used to control dust emissions.

3. **Hot Mix Asphalt Batch Plant:** As indicated by the Applicant, this operation is very similar to the concrete plant except this material is heated. Aggregates are imported and dumped into stockpiles that are then pushed up with a loader to approximately 15' in height and stored until used in the plant. The asphalt plant will use propane to heat imported oil (that is stored in containers) that is then mixed with the aggregates. The aggregates are then stored in a silo (prior to exporting the product) that will be approximately 40' in height. The Applicant envisions producing approximately 150,000 tons of asphalt per year resulting in approximately 240 round-trip truckloads of asphalt per week. 120,000 tons of aggregate (sand and gravel) resulting in 380 round-trip truckloads, 10 round-trip truckloads of oil, and less than one round-trip truckload of propane imported weekly.

CURRENT LAND USE AND SURROUNDING LAND USE

As noted earlier, the proposed Project site is not currently in use, but was previously used as a cotton gin facility and still contains an area of crushed asphalt substrate, a metal-sided barn, a building believed to have been previously used as an office building, and a raised water tank The proposed Project site is surrounded by dairies and dairy-related agricultural fields on its east, west, and south sides; and a walnut orchard to the north. (see **Figure 3.1-2**).

PROJECT OBJECTIVES

Objective 1: Industrial Developments

Tulare County General Plan Policy LU-5.1 encourages a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base. The proposed Project includes industrial development within an area allowable by a Special Use Permit.

Objective 2: Compatibility with Surrounding Land Use

Tulare County General Plan Policy LU-5.4 encourages the infill of existing industrial areas and ensure that proposed industrial uses will not result in significant harmful impacts to adjacent land uses. The rural nature of the site, the predominantly surrounding dairy-related uses, the proximity of SR 99, and other factors make this site suitable for the proposed Project uses. As such, potential environmental impacts are, or can be reduced to, less than significant.

Objective 3: Storage Screening

Tulare County General Plan Policy LU-5.3 requires adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment. The proposed Project will include provisions or landscaping to obstruct views from surrounding areas.

Objective 4: Access

Tulare County General Plan Policy LU-5.5 requires that industrial development be located where there is access from collector or arterial roads, and where industrial/heavy commercial traffic is not routed through residential areas with uses not compatible with such traffic. The Project proposes to be located in an area that contains only scattered rural housing and is near two major highways (SR 99 and SR 198). Access to and from the site for heavy duty trucks will be on roadways that can accommodate the planned use.

Objective 5: Practice of Recycling Concrete and Asphalt

According to Cal Recycle in their 2008 survey, Composition of California's Overall Disposal Waste Stream, concrete makes up about 1.2% of all waste material in the State of California. By the end of FY 2005, the goal was to ensure that the diversion rate for nonhazardous solid waste is greater than 40 percent. Requirements for reducing the generation of solid waste are contained in Executive Order 13101.2 [1] "The Legislature and Governor Brown set an ambitious goal of 75 percent recycling, composting or source reduction of solid waste by 2020.[2] "For recycling and waste prevention, each agency is required to establish a goal for diversion of solid waste from landfilling or incineration. Although not one of the most prevalent forms of waste, it does carry potential hazardous pollutants in lye, fly ash, and other inert materials, and any waters that mix with recycled or mixed concrete batches requires treatment prior to discharge.[3] In addition there is the added cost for disposing concrete that results in greater tipping fees. The air pollutants from concrete mixing are also of special concern to the US EPA.[4] Therefore, the proposed Project's reuse of recycled concrete and other material is beneficial.

Objective 6: Efficient Business Operations

The proposed Project is intended to implement Applicant's strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible.

PROJECT BENEFITS

Project Benefit # 1): Increase Availability of Construction Materials

The Project will produce construction materials to support roadway improvements and other construction projects in Tulare County.

[1] U.S. Army Corps of Engineers, Methods for Reduction, Reuse, and Recycling of Demolition Waste, (2002). Page 1-2
[2] CalRecycle. California's 75 Percent Initiative: Defining the Future. https://www.calrecycle.ca.gov/calendar/75percent. Accessed January 2019.
[3] California Water Code Title 27.
[4] U.S. Environmental Protection Agency Guideline 427/09, Concrete Batching

Project Benefit # 2: Job Creation

The Project will create a total of 15-20 new full time jobs for Tulare County residents.

Project Benefit #3) Annual Maintenance Fee per Ton

Based on the analysis contained in Chapter 3.17 Transportation, the Project will result in an impact on Avenue 280 requiring maintenance to keep the road in good repair during the life of the Project. RMA Public Works engineering/roadways staff has calculated an approximately 47% responsibility (i.e., vehicle trips contribution) by the Project. The segment impacted by the Project is along Avenue 280, west of SR 99, to the entry/exit point of the Project; and Avenue 280 from the entry/exit point of the Project west to the Kings County line. Preliminary cost estimates are approximately $500,000 (unadjusted to account for inflation) during a project 25-year lifespan. It is possible that an alternative method of fair share responsibility could be developed at the time of the Final EIR; however, it is important to note that a nexus has been established as demonstrated in Chapter 3.17.

Project Benefit # 4): Conservation of Mineral Resources

The Project includes diversion from landfills and recycling of 30,000 tons annually of asphalt and concrete. The recycled asphalt and concrete will be crushed to be used as base material. Recycling asphalt and concrete also results in conservation of virgin (raw) material.

Project Benefit # 5): Implementation of Countywide 2030 General Plan Policies

Tulare County's General Plan Policies that are consistent with the Project's purpose and objectives are included in each CEQA Checklist Resource chapter contained in Chapters 3-1 thru 3-21. One hundred six (106) General Policies apply to this Project.

Project Benefit #6) Aesthetic Improvements

As a result of Aesthetic Impacts, the Project is required to provide landscaping (trees and shrubs) along the Avenue 280 frontage, and along the length of the northern, western, and southern property lines (installed on a berm (with a height be determined and fencing (typically 8' of mesh fencing immediately above the berm) for beautification with a 5-year grow-out schedule to maturity). (See **Figure 3.1-3**)

ACTIONS REQUIRED FOR IMPLEMENTATION

To accommodate the proposed Project, the following actions will need to occur:

- Regional Water Quality Control Board permits as applicable
- Caltrans approvals/permits as applicable
- San Joaquin Valley Air Pollution Control District (Air District) permits, compliance with rules/regulations, as applicable
- Tulare County approval of a Special Use Permit

Figure 2-1: Regional Vicinity

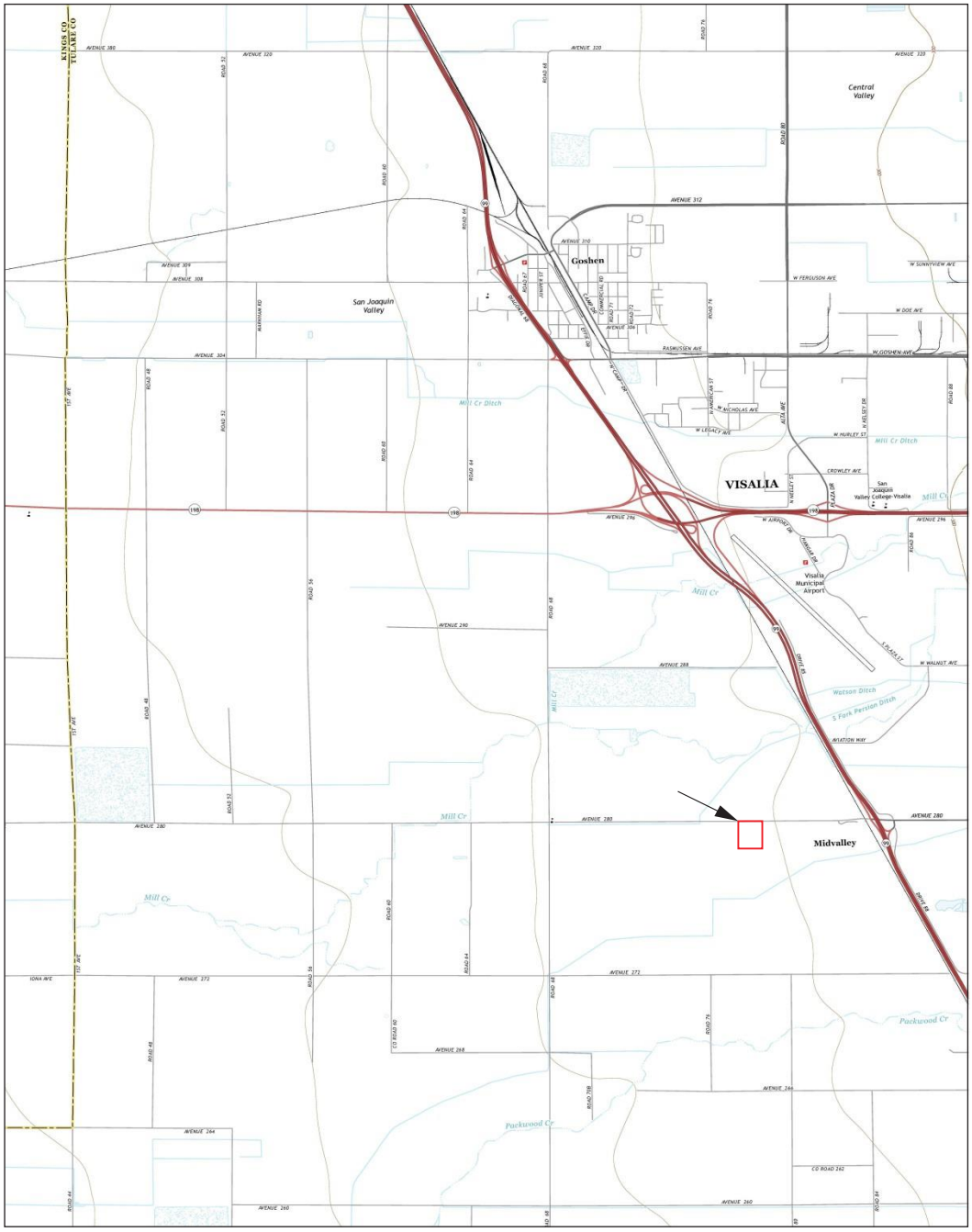


Figure 2-2: Project Location

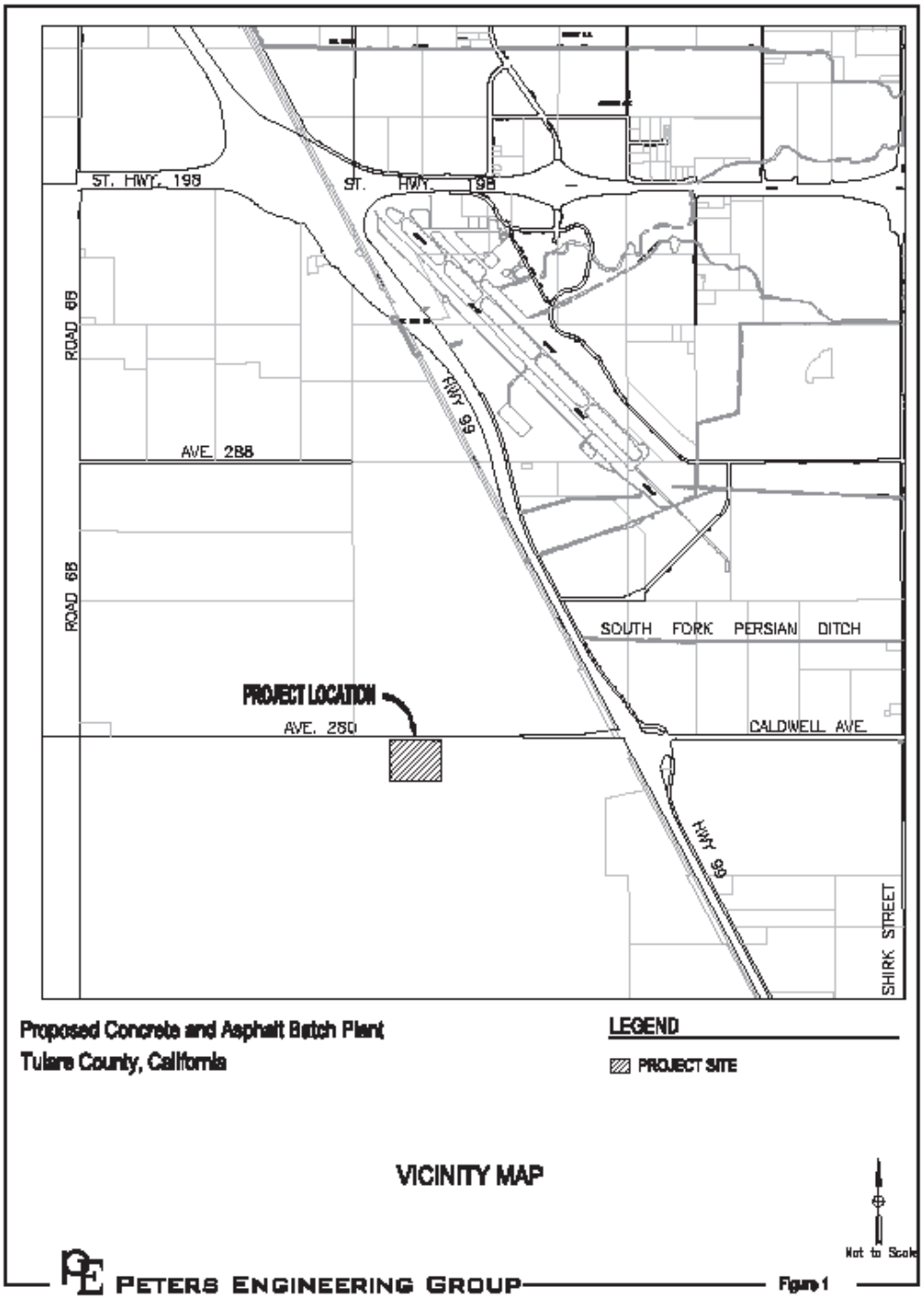
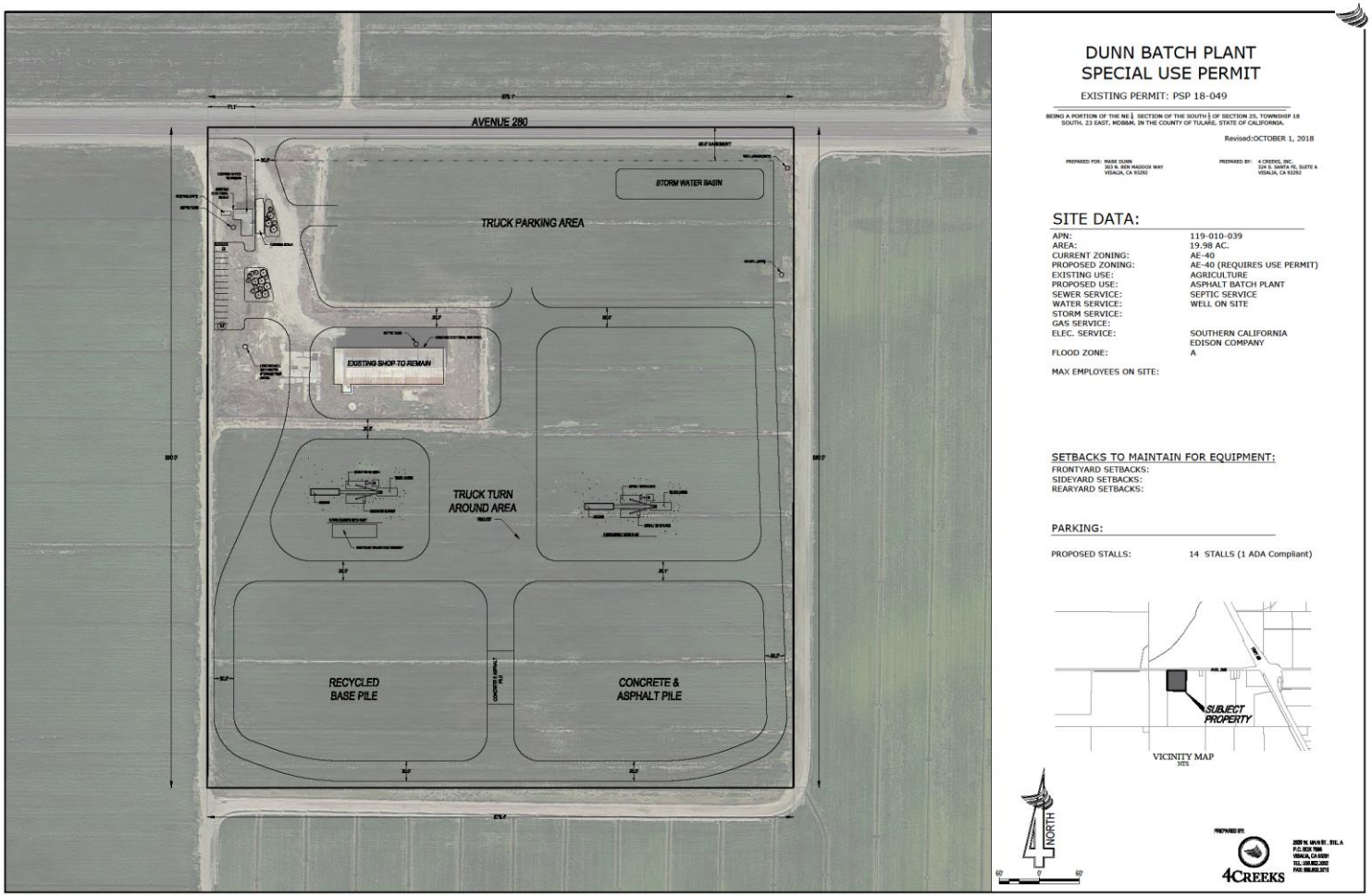


Figure 2-3: Aerial of Site Plan



Aesthetics
Chapter 3.1

SUMMARY OF FINDINGS

The proposed Project will have ***Less Than Significant Impact With Mitigation*** (that is, project design features) related to Aesthetics. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

CEQA requires that significant impacts on the environment be identified and, where possible, measures be added to minimize or eliminate impacts (CEQA Guidelines Section 15382). A "[s]ignificant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project…" (CEQA Guidelines Section 15382). With respect to aesthetics, potentially significant CEQA impacts include visual impacts to scenic highways, the visual character of the site, and impacts from lighting.

This section describes the existing visual environment in the vicinity of the Project area using accepted methodology to evaluate aesthetic/visual landscape quality and light/glare. Aesthetic considerations tend to be subjective. The methodologies used to evaluate aesthetic impacts to visual character are qualitative in nature, and are based on photographic documentation of the site and surrounding area.

The proposed Project site is located in the agricultural (Valley) portion of Tulare County. The "Environmental Setting" section describes scenic and aesthetic resources in the region, with special emphasis on the proposed Project site and vicinity. The "Regulatory Setting" provides a description of applicable State and local regulatory policies. A description of the potential impacts of the proposed Project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

The analyses of the existing visual setting and potential visual impacts resulting from the proposed Project are based primarily on information provided by the Project applicant.

Thresholds of Significance:

The threshold of significance for this section will include the following:

- Impact on a scenic vista

- Impact on a scenic highway
- Impact on visual quality
- Creation of glare or impacts on nighttime views

ENVIRONMENTAL SETTING

Visual Character of the Region

"Tulare County is located in a predominately agricultural region of central California. The terrain in the County varies. The western portion of the County includes a portion of the San Joaquin Valley (Valley), and is generally flat, with large agricultural areas with generally compact towns interspersed. In the eastern portion of the County are foothills and the Sierra Nevada mountain range. The Project site is located on the Valley floor, which is very fertile and has been intensively cultivated for many decades. Agriculture and related industries such as agricultural packing and shipping operations and small and medium sized manufacturing plants make up the economic base of the Valley region. Many communities are small and rural, surrounded by agricultural uses such as row crops, orchards, and dairies. From several locations on major roads and highways through out the County, electric towers and telephone poles are noticeable. Mature trees, residential, commercial, and industrial development, utility structures, and other vertical forms are highly visible in the region because of the flat terrain. Where such vertical elements are absent, views are expansive. Most structures are small; usually one story in height, through occasionally two story structures can be seen commercial or industrial agricultural complexes. The County provides a wide range of views from both mobile and stationary locations."[1]

Existing Visual Conditions

The proposed Project site is located south Avenue 280 approximately 0.5 mile west of State Route (SR 99) and one (1) mile east of Road 76. The approximately 20-acre proposed Project site is located entirely within an unincorporated area of Tulare County. The site is surrounded by agricultural fields on all sides and is bordered by Avenue 280 (north) with an orchard (walnuts) northeast, pistachios (west), an existing dairy and dairy-related ag crops (west), dairy-related ag crops (south), and an existing dairy and dairy-related ag crops (east). The site is flat with minimal slope and is predominantly unused agricultural land (the most recent previous crop grown on site was wheat, as such, the site does not contain any orchards, vineyards, or other more permanent crop types. The site was previously used as a cotton gin facility. It contains a shop building, office building, septic system, well with water storage tank, scale, electrical meter, asphalt drive approach, and a six-foot high chain link fence around the site's perimeter. Natural drainage features such as creeks, ponds, and vernal pools are absent from the Project site or vicinity. As noted earlier, the Applicant is proposing a trucking and construction yard with a concrete batch plant, hot asphalt plant, material stockpiles, and concrete and asphalt recycling operations.

[1] Tulare County General Plan 2030 Update: Recirculated Draft EIR (RDEIR), Page 3.1-11

Figure 3.1-1
View looking south toward Project site from Avenue 280



Figure 3.1-2
Aerial View Project Site
Adjacent uses are predominantly agricultural uses



REGULATORY SETTING

Federal Agencies & Regulations

None that apply to the proposed Project.

State Agencies & Regulations

Title 24 Outdoor Lighting Standards

Title 24 Outdoor Lighting Standards were adopted by the State of California Energy Commission (Commission) (Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards) on November 5, 2003 and went into effect on October 1, 2005. The changes included new requirements for outdoor lighting, which vary according to which "lighting Zone" the equipment is in. The Commission defines rural areas as Lighting Zone 2. Existing outdoor lighting systems are not required to meet these lighting allowances.

Scenic Highway Program

The California Scenic Highway Program was established by the state Legislature in 1963 for the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The state laws governing the scenic highways program are found in The Streets and Highways Code Sections 260-263. In Tulare County, portions of State Routes 190, 198, and 180 are eligible for state scenic highway designation.[2]

Local Policy & Regulations

"The scenic landscapes in Tulare County will continue to be one of the County's most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent."[3]

County Scenic Roadways

"Tulare County's existing General Plan identifies State designated scenic highways and County designated eligible highways. There are three highway segments designated as eligible by the State. These include State Route 198 from Visalia to Three Rivers, State Route 190 from Porterville to Ponderosa, and State Route 180 extending through Federal land in the northern portion of Tulare County. State Route 198 closely follows around Lake Kaweah and the Kaweah River, while State Route 190 follows around Lake Success and the Tule River. Both Scenic

[2] Tulare County General Plan 2030 Update, Goals and Policies Report Part 1. Page 7-5.
[3] Tulare County General Plan 203 Update Goals and Policies Report. Page. A-2.

Highways travel through agricultural areas of the valley floor to the foothills and the Sierra Nevada Range. Additionally, the General Plan Update identifies preserving the rural agricultural character of SR 99 and SR 65 as valuable to the County and communities."[4] The Tulare County General Plan 2030 Update (at Figure 7-1) has identified Avenue 280/Caldwell Avenue, including areas west of SR 99, as a County Scenic Road.[5]

Tulare County General Plan Policies

The Tulare County General Plan has several policies that apply to projects within the County of Tulare. General Plan policies that relate to the proposed Project are listed below.

SL-1.1 - Natural Landscapes
During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate, require new development to not significantly impact or block views of Tulare County's natural landscapes. To this end, the County may require new development to:

1. Be sited to minimize obstruction of views from public lands and rights-of- ways,
2. Be designed to reduce visual prominence by keeping development below ridge lines, using regionally familiar architectural forms, materials, and colors that blend structures into the landscape,
3. Screen parking areas from view,
4. Include landscaping that screens the development,
5. Limit the impact of new roadways and grading on natural settings, and
6. Include signage that is compatible and in character with the location and building design

SL-1.2 - Working Landscapes
The County shall require that new non-agricultural structures and infrastructure located in or adjacent to croplands, orchards, vineyards, and open rangelands be sited so as to not obstruct important viewsheds and to be designed to reflect unique relationships with the landscape by:

1. Referencing traditional agricultural building forms and materials,
2. Screening and breaking up parking and paving with landscaping, and
3. Minimizing light pollution and bright signage.

LU-5.3 Storage Screening - The County shall require adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment.

LU-7.6 Screening - The County shall require landscaping to adequately screen new industrial uses to minimize visual impacts.

ERM-1.15 Minimize Lighting Impacts - The County shall ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall

[4] Tulare County General Plan 2030 Update, August 2012. Recirculated Draft EIR Page 3.1-11. Accessed in July 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf.

[5] Tulare County General Plan 2030 Update, August 2012. Goals and Policies Report Figure 7-1. Page 7-5. Accessed in July 2019 at: http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/001BOS%20Agenda%20Items%20-%20Public%20Hearing%20August,%2028%202012/008Attachment%20G.%20Public%20Comment,%20%20Staff%20Matrix,%20and%20Responses/004Item%204.%20GPU%20AMUS/14-CHP%207-Scenic%20Landscapes.pdf

be designed to prevent artificial lighting from illuminating adjacent natural areas at a level greater than one-foot candle above ambient conditions.

IMPACT EVALUATION

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

The Project site is located in the Valley portion of the County. There are no scenic vistas on the proposed Project site or in the vicinity. Portions of State Routes (SR) 190, 198, and 180 are eligible for state scenic highway designation, but are not located in or near the Project site. The Project will include a silos approximately 50' in height but will be setback no less than approximately 200 feet from Avenue 280 and screened with a berm with vegetation (trees and shrubs) at the top of the berm to effectively minimize line-of-sight views from the roadway (see example in **Figure 3.1-3**). The proposed Project will be required to implement **Mitigation Measures 3.1-1** and **3.1-2** as project design features. As such, the Project will result in a ***Less Than Significant Impact With Mitigation*** related to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR.

There are no scenic vistas on or near the Project site; as such there will be a ***Less Than Significant Cumulative Impact With Mitigation*** related to this Checklist Item.

Mitigation: ***See Mitigation Measures 3.1-1 and 3.1-2.***

Mitigation Measures 3.1-1 and 3.1-2 will be required as project design features for the Project.

3.1-1 Landscape screening (with a 5-year grow out schedule to maturity) shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project's structures and activities from the public right-of-way and views from Avenue 280 and along the western, eastern, and southern boundaries of the Project. A landscaping plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

3.1-2 The silos shall be painted in earth-toned colors to allow them to blend into the surrounding scenery to the fullest extent.

Conclusion: ***No Impact***

As noted earlier, there are ***No Project-specific or Cumulative Impacts*** related to this Checklist Item.

Figure 3.1-3
Example of Landscape Plan



b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

There are no designated state scenic highways in the Project vicinity or in Tulare County. Portions of SR 190, 198, and 180 are eligible for state scenic highway designation, but are not located in or near the Project site. The Tulare County 2030 General Plan also lists a series of Scenic County Routes, several of which are located in agricultural areas. Tulare County General Plan 2030 Update, General Plan Policy SL-2.1, calls for the establishment of a system of County scenic routes through the County. General Plan Figure 7-1 shows potential roadways within the County that could be designated as County Scenic Routes. The policy further states that views along County Scenic Routes should be protected by requiring development located within County scenic route corridors to adhere to local design guidelines and standards. General Plan Figure 7-1 shows the segment of Avenue 280/Caldwell Avenue extending from the Kings County line eastward to Mooney Boulevard in Visalia as a potential County Scenic Route. It is noted that the County Scenic Routes shown in General Plan Figure 7-1 have not yet been formally nominated for designation as County Scenic Routes. However, the Project includes substantial landscape treatment within the Project's front setback areas along Avenue 280/Caldwell Avenue, and along the western, eastern, and southern boundaries of the Project. Implementation of Mitigation Measures 3.1-1 and 3.1-2 as project design features of the special use permit process and requiring structures to be set back a minimum of 25 feet from Avenue 280 would minimize potential impact to the proposed County Scenic Route. As such, there will be ***Less Than Significant Impact With Mitigation*** to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR.

There will be ***Less Than Significant Cumulative Impacts With Mitigation*** because the proposed Project will not create visual impacts to State Scenic Highways or Scenic County Routes.

Mitigation: ***See Mitigation Measures 3.1-1 and 3.1-2.***

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, ***Less Than Significant Impact With Mitigation Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Agricultural landscapes throughout Tulare County are typically considered scenic and visually appealing. The Project site is located along a County Scenic County Road adjacent to an area with large agricultural fields under cultivation (e.g., row crops and orchards) which are generally considered visually pleasing.

The applicant of the proposed Project seeks a Special Use Permit (SUP) which will allow permanent establishment and use of a hot-mix asphalt batch plant, concrete batch plant, asphalt recycling operations on the site. The import, storage, processing, production, export, etc. of the operation will include the use of silos, propane gas storage tanks, oil storage tanks, asphalt and concrete storage piles, recycled base pile, truck parking area, storm water basin, and an office. In addition, the Project would include a renovation of a 900 square foot office building; implement production of approximately 48 truckloads per day of asphalt; 80 truckloads per day of concrete, 10 truckloads per day of recycled base, typically operate five (but not more than six) days per week (typically 6:00 A.M. to 4:00 P.M. weekdays and 7:00 A.M. to 12:00 P.M. (noon) on Saturdays), and conduct retail/commercial sales of asphalt, and other components of the Project. To mitigate potential degradation of views of the proposed Project site from Avenue 280, **Mitigation Measures 3.1-1** and **3.1-2** (which will be incorporated into the Project as project design features) are outlined to provide screening of the site and painting the silos. A Landscaping Plan must be approved by the County and implemented prior to opening day of the Project.

At full build-out, implementation of the proposed Project will alter the visual character of the site from predominantly agricultural-related uses (i.e., row crops, orchards, and dairy uses as indicated in Item a), landscaping will screen the structures to minimize significant viewing impacts and structures will be set-back a minimum of 25 feet from Avenue 280. As such, the proposed Project will not significantly visually degraded the character or quality to the Project site or to the properties near and around the Project site. Therefore, the Project would result in ***Less Than Significant Impact With Mitigation*** on the visual character within or adjacent to the Project site.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR.

As the proposed Project would not create any project specific visual impacts, ***Less Than Significant Cumulative Impacts*** on visual character will occur.

Mitigation: ***See Mitigation Measures 3.1-1 and 3.1-2.***

Conclusion: ***Less than Significant Impact With Mitigation***

The proposed Project will have ***Less Than Significant Project-specific and Cumulative Impact With Mitigation*** related to this Checklist Item.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Project Impact Analysis: ***Less Than Significant Impact***

Lighting impacts are often associated with the use of artificial light during the evening and nighttime hours. Impacts could potentially include light emanating from building interiors (seen through windows) and light from exterior sources, such as security lighting, street lighting, etc. Glare is typically a daytime occurrence caused by light reflecting off highly polished surfaces such as window glass or polished metallic surfaces.

The proposed Project will likely include security lighting and other minimal lighting (e.g., near doorways during evening hours, vehicle parking areas, safety lighting to avoid collisions with on-site equipment, machinery, or materials piles, etc.). As no work will occur during the evening, the use of outdoor lighting will be minimal. Other than typical daylight reflecting from the on-site office windows, no other sources of glare (such as light reflecting off highly polished surfaces) would occur as a result of the Project. Further, the use of applicable County policies noted earlier would minimize or avoid potential lighting impacts by the Project. Therefore, ***Less Than Significant Impacts*** to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR.

As noted earlier, project design features (i.e., landscaped screening), meeting setback requirements, complying with height limitations, no evening work hours, and minimal exterior lighting will minimize light spillage or other lighting impacts. As such, the proposed Project's cumulative incremental increase of light and glare will be less than significant. As such, ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific and Cumulative Impacts*** related to this Checklist Item will occur.

DEFINITIONS

Scenic landscapes - Landscapes that include agricultural lands, woodlands, forestlands, watercourses, mountains, meadows, structures, communities, and other types of scenery that contribute to the visual beauty of Tulare County.

Natural Landscapes - An expanse of naturally-formed scenery that contribute to the visual beauty of Tulare County.

Working Landscapes - These are landscapes shaped by human activities that produce economic commodities such as agricultural lands, ranch lands, and timber lands. They may also include picturesque commercial districts in communities, crops, orchards, agricultural structures, stands of timber, and canals."

Viewshed - An area of land, water, or other environmental features that is visible from a fixed vantage point. Viewsheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of viewsheds is typically the goal in the designation of open space areas, green belts, and urban separators.

REFERENCES

California Department of Transportation. Officially Designated State Scenic Highways. http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm. Accessed March 2015.

Tulare County General Plan 2030 Update, August 2012. Recirculated Draft EIR. Accessed July 2019 at: http://generalplan.co.tulare.ca.us/documents.html then locate "Recirculated Draft Environmental Impact Report February 2010 Draft", select "Recirculated DEIR".

Tulare County General Plan 2030 Update, August 2012. Goals and Policies Report Figure 7-1. Page 7-5. Accessed in July 2019 at: http://generalplan.co.tulare.ca.us/documents.html then locate Part I Goals and Policies Report. **Component C** 7. Scenic Landscapes.

Agricultural Land and Forestry Resources Chapter 3.2

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impact With Mitigation*** to Agricultural Land and Forestry Resources. No mitigation measures will be required. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

CEQA Requirements for Evaluation of Impacts to Agricultural Land and Forestry Resources

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to agricultural land and forestry resources. As required in Section 15126, all phases of the proposed Project will be considered was part of the potential environmental impact.

As noted in 15126.2 a), "[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 will 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."

The "Environmental Setting" provides a description of the Agricultural Lands and Forestry Resources in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, the Tulare County General Plan Background Report and/or

the Tulare County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

CEQA THRESHOLDS OF SIGNIFICANCE

The Department of Conservation identifies the location of prime Agricultural Land resource areas and Williamson Act Contract lands. Thresholds of potential significance will include the following:

- Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
- Conflict with Williamson Act Contracts
- Convert Forest Land

ENVIRONMENTAL SETTING

"Tulare County exhibits a diverse ecosystems landscape created through the extensive amount of topographic relief (elevations range from approximately 200 to 14,000 feet above sea level). The County is essentially divided into three eco-regions. The majority of the western portion of the County comprises the Great Valley Section, the majority of the eastern portion of the County is in the Sierra Nevada Section, and a small section between these two sections comprises the Sierra Nevada Foothill Area."[1]

State of California

State of California Agricultural Production

"The sales value generated by California agriculture decreased by 16.8% between the 2014 and 2015 crop years. The State's 77,500 farms and ranches received $47.1 billion for their output, down from the $56.6 billion received in 2014. California's revenue was led by the dairy industry, followed by almonds and grapes.

Almond cash receipts decreased to $5.33 billion. Cash receipts fell by 27.9 percent due to a fall in prices from $4.00 per pound in 2015. Grape production generated $4.95 billion in cash receipts in 2015, down 5.4 percent from 2014. Production decreased by 1.3 percent from 2014, and prices received by growers decreased from $756 per ton of grapes in 2014 to $724 per ton in 2015. Revenue generated from cattle was $3.40 billion, a 9.0 percent decrease from the 2014 record high of $3.73 billion.

The dairy industry, California's leading commodity in cash receipts, generated $6.23 billion for milk production in 2015, down 32.8 percent from 2014. Milk production decreased by 3.4 percent, and milk prices received by producers decreased from $22.12 per hundred pounds of

[1] CDFA. Agricultural Statistical Overview. https://www.cdfa.ca.gov/statistics/PDFs/2016Report.pdf. Page 2

milk sold in 2014 to $15.40 in 2015. As the leading dairy producing state in the country, California produced nearly 20 percent of the nation's supply in 2015.

California remained the leading state in cash farm receipts in 2015 with combined commodities representing nearly 13 percent of the U.S. total. California's leading crops remained fruits, nuts and vegetables."[2]

State of California Farmland Conversion

Of California's approximately 100 million acres of land, 43 million acres are used for agriculture. Of this, 16 million acres are grazing land and 27 million acres are cropland. Only about nine million acres of irrigated land are considered to be Prime, Unique or of Statewide Importance.[3]

"Irrigated farmland in California decreased by more than 91 square miles (58,587 acres) between 2010 and 2012. The highest-quality agricultural soils, known as Prime Farmland, comprised 81 percent of the loss. Urban development, which totaled 29, 342 acres, decreased by 34 percent compared with the 2010 update. The 2012 urban land increase was the lowest recorded in the program's history, reflecting impacts of the recent recession. Of the nearly 46 square miles of new Urban and Build-up Land in the state, 43 percent occurred in the Southern California region.

Land was removed from irrigated categories – to uses aside from urban – at a rate of 41 percent lower than compared with the prior update (252,473 acres in 2010 and 149,577acres in 2012). Land idling and reversion to dry farming were responsible for the majority of this type of conversion. The southern San Joaquin Valley and counties in the Sacramento-San Joaquin Delta were most impacted by land idling. Three counties had 10,000 or more acres of this conversion type: Fresno, Kern, and Kings."[4]

Tulare County

Agricultural Productivity

The Project site is located in the San Joaquin Valley portion of Tulare County. This area is characterized by rich, highly productive farmland. Agriculture is the most important sector in Tulare County's economy, and agriculture and related industries make Tulare County the most productive agricultural county in the United States, according to Tulare County Farm Bureau statistics.[5][6] "Agricultural lands (crop and commodity production and grazing) also provide the

[2] United States Department of Agriculture. California Agricultural Statistics Review, 2015-2016 Crop Year. https://www.nass.usda.gov/Statistics_by_State/California/Publications/California_Ag_Statistics/Reports/2015cas-all.pdf. Accessed July 2019.
[3] California Department of Food and Agriculture. AgVision 2030 White Paper. Agricultural Land Loss & Conversion. July 2009. http://www.cdfa.ca.gov/agvision/docs/Agricultural_Loss_and_Conservation.pdf. Accessed July 2019.
[4] California Department of Conservation. 2015 California Farmland Conversion Report. http://www.conservation.ca.gov/dlrp/fmmp/Pages/FMMP_2010-2012_FCR.aspx. Accessed July 2019.
[5] Tulare County Farm Bureau. Tulare County Agricultural Facts. http://www.tulcofb.org/index.php?page=agfacts. Accessed July 2019.
[6] Tulare County Agricultural Commissioner. 2017 Tulare County Annual Crop and Livestock Report. https://agcomm.co.tulare.ca.us/ag/assets/File/Crop%20report%202017%20Final.pdf. Accessed July 2019.

County's most visible source of open space lands. As such, the protection of agricultural lands and continued growth and production of agriculture industries is essential to all County residents."[7]

The *2018 Tulare County Annual Crop and Livestock Report* stated "Tulare County's total gross production value for 2018 as $7,213,303,400. This represents an increase of $173,374,400 or 2.5% above 2017's values of $7,213,303,000. Milk continues to be the leading agricultural commodity in Tulare County; with a total gross value of $1,683,747,000, a decrease of $93,108,000 or 5.2%. Milk represents 23.5% of the total crop and livestock value for 2018. Total milk production in Tulare County increased by 1%. Livestock and Poultry's gross value of $694,538,000 represents a decrease of 1% below 2017, mostly due to lower per unit value for cattle."[8]

"Tulare County's agricultural strength is based on diversity of the crops produced. The 2018 report covers more than 120 different commodities, 45 of which had a gross value in excess of $1,000,000. Although individual commodities may experience difficulties from year to year, Tulare County continues to produce high-quality crops that provide food and fiber to more than 90 countries throughout the world."[9]

Tulare County Farmland Conversion

In line with the State of California, Tulare County has also seen a decrease in FMMP-designated farmland, with the total inventoried land down over one percent, as seen in **Table 3.2-1** between the years 1998 and 2012. Between the years 2010 and 2012, Tulare County lost 13,488 acres of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.[10]

Much of Tulare County's farmland is under California Land Conservation Act (Williamson Act) contracts, a program designed to prevent premature conversion of farmland to residential or other urban uses. As shown in **Table 3.2-2**, as of January 1, 2014 there were 1,081,936 acres of farmland under Williamson Act or Farmland Security Zone contracts in Tulare County. This total includes 565,190 acres of Williamson Act prime, 505,654 acres nonprime, and 11,1101 acres of Farmland Security Zone lands (The acreage totals also include 3,838 acres Williamson Act prime contracted land in nonrenewal and 7,301 acres of Williamson Act nonprime in nonrenewal.).[11] The proposed Project site is not under a Williamson Act contract.

[7] Tulare County General Plan 2030 Update, August 2012. Page 3-4.

[8] 2018 Tulare County Annual Crop and Livestock Report, August 2019. Cover letter from Tom Tucker, Agricultural Commissioner. https://agcomm.co.tulare.ca.us/ag/index.cfm/standards-and-quarantine/crop-reports1/crop-reports-2011-2020/2018-crop-report/. Accessed October 2019.

[9] Ibid.

[10] California Department of Conservation. California Farmland Conversion Report 2015. September. Table A-44. http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015_complete.pdf. Accessed November 2017.

[11] Tulare County Subvention Report "California Open Space Subvention Act Program Survey for Fiscal Year 2012-2013" (submitted to Department of Conservation November 21, 2012)

Table 3.2-1
Tulare County FMMP-Designated Land (1998-2012)

Farmland Category	Total Acres Inventoried						
	1998[12]	2000[13]	2002[14]	2004[15]	2006[16]	2010[17]	2012[18]
Prime Farmland	396,130	393,030	387,620	384,340	379,760	370,249	368,527
Farmland of Statewide Importance	357,220	351,720	345,760	339,580	332,160	323,599	321,296
Unique Farmland	11,790	11,720	12,750	12,530	12,220	11,593	11,474
Important Farmland Subtotal	**765,140**	**756,470**	**746,130**	**736,450**	**724,140**	**705,441**	**701,297**
Farmland of Local Importance	110,040	124,140	126,820	137,440	143,830	154,550	158,823
Grazing Land	439,960	434,050	440,550	440,620	440,140	440,042	439,940
Total	1,315,140	1,314,660	1,313,500	1,314,560	1,308,110	1,300,033	1,300,060

Table 3.2-2[19]:
2014 Tulare County Lands under Williamson Act or Farmland Security Zone Contracts

Acres	Category
565,190	*Total prime = Prime active + NR Prime
505,645	*Total Nonprime = Nonprime active + NR Prime
11,101	Farmland Security Zone
1,081,936	Total Acres in Williamson Act and Farmland Security Zone contracts
**Prime total includes 3,838 acres in nonrenewal; Nonprime total includes 7,301 acres in nonrenewal*	

Important Farmland Trends

"For Tulare County and the surrounding region, the reported major cause of this conversion is the downgrading of important farmlands to other agricultural uses (e.g., such as expanded or new livestock facilities, replacing irrigated farmland with non-irrigated crops, or land that has been fallow for six years or longer)."[20]

Proposed Project Site

The 20-acre proposed Project has been in some form of active agricultural production (typically row crops such as corn, wheat, etc., since 1969. Also, the site was formerly used for ginning

[12] Tulare County General Plan 2030 Update Recirculated Draft EIR Sch#2006041162. Table 3.10-4.
[13] Ibid.
[14] Op. Cit.
[15] Op. Cit.
[16] Op. Cit.
[17] California Department of Conservation, Division of Land Resource Protection. Farmland Mapping and Monitoring Program California Farmland Conversion Report 2015. http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015_complete.pdf. Accessed July 2019.
[18] Ibid.
[19] Op. Cit.
[20] Tulare County General Plan 2030 Update, Recirculated DEIR (SCH # 2006041162). February. 2010. Page 3.10-13.

cotton. When not in agricultural production, the site is predominantly open/vacant land and also includes a former residence (which will be used as an office) and a pole barn (which will be used as a storage area). Land Classifications as defined by the FMMP and Soils as classified by the United States Department of Agriculture, Natural Resource Conservation Service are discussed in this section too.

Land Classifications

According to the FMMP[21], the Project site is mapped as Prime Farmland. There are two criteria which ***both*** (emphasis added) must occur, 1) the land must be irrigated and; 2) the soils must meet the physical and chemical criteria determined by USDA NRCS. The site meets the soil criteria; however, the site does not meet the irrigated land criteria. The site previously relied on subsurface (well drawn) water for irrigation purposes when it was agriculturally productive. As it is no longer agriculturally productive, it is no longer drawing well water for irrigation purposes. As such, the Prime Farmland classification no longer applies as the site does not meet the irrigated land criteria.

Soils

The 20-acre proposed Project site is composed of two different soil types, as depicted in **Table 3.2-3**.

Table 3.2-3
Project Site Soils

Map Unit Symbol	Soil Type	Acreage	Site %	Characteristics
101	Akers-Akers	17.6	86.4 (south part of the site)	Saline-Sodic complex, 0-2% slopes, alluvium derived from granitic rock sources, well drained, no frequency of ponding, high available water storage profile.
130	Nord fine sandy loam	2.8	13.6 (north part of the site)	0-2% slopes, alluvium derived mixed sources, well drained, no frequency of ponding, low ability to store water.

See: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Storie Index

The California Revised Storie Index is a soil rating based on soil properties that govern a soil's potential for cultivated agriculture in California. The Storie Index assesses the productivity of a soil from the following four characteristics: Factor A, degree of soil profile development; factor B, texture of the surface layer; factor C, slope; and factor X, manageable features, including drainage, microrelief, fertility, acidity, erosion, and salt content. A score ranging from 0-100 percent is determined for each factor, and the scores are then multiplied together to derive an index rating. The ratings have been combined into six grade classes as follows: Grade 1 (excellent), 100 to 80; grade 2 (good), 79 to 60; grade 3 (fair), 59 to 40; grade 4 (poor), 39 to 20;

[21] California Department of Conservation. Farmland Mapping and Monitoring Program. Tulare County. ftp://ftp.consrv.ca.gov/pub/dlrp/fmmp/pdf/2014/tul14_no.pdf. Accessed October 2017.

grade 5 (very poor), 19 to 10; and grade 6 (nonagricultural), less than 10. However, as the site is no longer agriculturally produce, the Storie Index does not apply to this Project.

Soil Capability Class

Another way of measuring the suitability of soils for most field crops is by determining the soil capability class. In this system, soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. They are also classified based on whether they are irrigated or non-irrigated. Capability classes are designated by the numbers 1 through 8. The Project site is primarily Non-irrigated Capability Class 4, which means that soils have severe to very severe limitations that restrict the choice of plants used, or that requires moderate conservation practices, or both[22].

Forest Lands

"Timberlands that are available for harvesting are located in the eastern portion of Tulare County in the Sequoia National Forest. Hardwoods found in the Sequoia National Forest are occasionally harvested for fuel wood, in addition to use for timber production. Since most of the timberlands are located in Sequoia National Forest, the U.S. Forest Service has principal jurisdiction, which encompasses over 3 million acres. The U.S. Forest Service leases these federal lands for timber harvests."[23] As the proposed Project is located on the Valley floor, there is no timberland or forest in the Project vicinity.

REGULATORY SETTING

Federal Agencies & Regulations

Federal Protection Policy Act (FFPA)

"The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years. The FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land."[24]

[22] *Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant*. September 2018. Appendix A. U.S.D.A. NRCS Custom Soils Report for Tulare County, Western Part, California Dunn's Construction. Pages 13 and 16. Prepared by Mason GeoScience and included in Appendix "D" of this document.

[23] Tulare County General Plan 2030 Update, Background Report, February 2010. Page 4-17. Accessed July 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.

[24] United States Department of Agriculture. Natural Resources Conservation Service.https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/. Accessed July 2019.

U.S. Forest Service

"The U.S. Department of Agriculture Forest Service is a Federal agency that manages public lands in national forests and grasslands. The Forest Service is also the largest forestry research organization in the world, and provides technical and financial assistance to state and private forestry agencies. Gifford Pinchot, the first Chief of the Forest Service, summed up the purpose of the Forest Service - "to provide the greatest amount of good for the greatest amount of people in the long run.""[25]

State Agencies & Regulations

California Department of Conservation: Farmland Mapping and Monitoring Program

"The California Department of Conservation (DOC), under the Division of Land Resource Protection, has developed the Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmland to and from agricultural use. Data is collected at the county level to produce a series of maps identifying eight land use classifications using a minimum mapping unit of 10 acres. The program also produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The program maintains an inventory of state agricultural land and updates the "Important Farmland Series Maps" every two years."[26]

Williamson Act: California Land Conservation Act of 1965

"The California Land Conservation Act (CLCA) of 1965, Sections 51200 et seq. of the California Government Code, commonly referred to as the "Williamson Act", enables local governments to restrict the use of specific parcels of land to agricultural or related open space use. Landowners enter into contracts with participating cities and counties and agree to restrict their land to agriculture or open space use for a minimum of ten years. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market (speculative) value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971."[27]

California Department of Forestry and Fire Protection (CAL FIRE)

"CAL FIRE's mission emphasizes the management and protection of California's natural resources; a goal that is accomplished through ongoing assessment and study of the State's natural resources and an extensive CAL FIRE Resource Management Program. CAL FIRE oversees enforcement of California's forest practice regulations, which guide timber harvesting on private lands. Reviews and inspections ensure protection of watershed and wildlife, as well as renewal of timber resources. Department foresters and fire personnel work closely to encourage

[25] U.S. Forest Service, "About Us – Meet the Forest Service", http://www.fs.fed.us/aboutus/meetfs.shtml. Accessed July 2019.
[26] Tulare County General Plan 2030 Update, Background Report. February 2010. Page 4-12.
[27] Ibid. 4-13.

and implement fuels management projects to reduce the threat of uncontrolled wildfires. CAL FIRE Foresters promote conservation and the importance of our trees and forests to Californians of all ages. CAL FIRE manages eight Demonstration State Forests that provide for commercial timber production, public recreation, and research and demonstration of good forest management practices. Additional forestry programs include urban forestry, archaeology, pest management, etc."[28]

Local Policy & Regulations

Tulare County General Plan Policies

The Tulare County General Plan 2030 Update (TCGP) has policies that apply to projects within Tulare County that serve to protect farmland. General Plan policies that are generally applicable to the proposed Project are listed below:

AG-1.1 - Primary Land Use - The County shall maintain agriculture as the primary land use in the valley region of the County, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation of open space and natural resources.

AG-1.6 Conservation Easements - The County shall consider developing an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in this Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conservation of important agricultural land to non-agricultural use. If available, the ACEP shall be used for replacement lands determined to be of statewide significance (Prime or other Important Farmlands), or sensitive and necessary for the preservation of agricultural land, including land that may be a part of a community separator as part of a comprehensive program to establish community separators. The in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation..

AG-1.7 Preservation of Agricultural Lands - The County shall promote the preservation of its agricultural economic base and open space resources through the implementation of resource management programs such as the Williamson Act, Rural Valley Lands Plan, Foothill Growth Management Plan or similar types of strategies and the identification of maximum growth parameters for all urban areas located in the County.

AG-1.14 Right-to-Farm Noticing - The County shall condition discretionary permits for special uses and residential development within or adjacent to agricultural areas upon the recording of a Right-to-Farm Notice (Ordinance Code of Tulare County, Part VII, Chapter 29, Section 07-29-1000 and following), which is an acknowledgement that residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that

[28] California Department of Forestry and Fire Protection. About Cal Fire. https://www.fire.ca.gov/about-us/. Accessed January 2019.

an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area.

AG-1.17 Agricultural Water Resources - The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture.

Tulare County Agricultural Conservation Easement Program

The Tulare County Agricultural Conservation Easement Program (ACEP, see Appendix "A") was established to allow the use of agricultural easements to reduce or mitigate any significant impacts resulting from the conversion of certain agricultural land to non-agricultural uses. Resolution 2016-0323, adopted by the Tulare County Board of Supervisors on May 3, 2016, requires the use of farmland conservation easements or other farmland conservation mechanisms for projects requiring County discretionary land use entitlements and the conversion of five (5) or more acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses.

"CRITERIA FOR AN EASEMENT: A "Farmland conservation easement" means for the purposes of this ACEP, an easement over agricultural land for the purpose of restricting its use for the term set forth in this resolution for primarily agricultural and agricultural-compatible uses. Any easement offered or used under this program shall, at a minimum, meet these criteria:

A) Preferably the easement will be located in Tulare County but other suitable land may be encumbered subject to approval by the Board of Supervisors.
B) The easement will include Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.
C) The land placed under the easement must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated.
D) The land placed under the easement must be at a minimum of a one to one (1:1) ratio or its functional equivalent to the loss of defined agricultural lands mitigated." [29]

IMPACT EVALUATION

Tulare County, as a Lead Agency, typically bases a determination of agricultural resources significance on the thresholds established by the California Environmental Quality Act (CEQA) Guidelines. The Environmental Checklist Form of the CEQA Guidelines contains a list of impacts that may be deemed potentially significant. The Lead Agency should address questions from this checklist that are relevant to a project's environmental effects. The following significance thresholds are contained in Appendix G of the CEQA Guidelines.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon

[29] Tulare County Agricultural Conservation Easement Program. Pages 6 to 7.

measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Pursuant to CEQA Statute §21060.1, "Agricultural land" means Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria.

The 20-acre proposed Project site is currently being farmed with row crops (the last grown crop was wheat). The site is immediately adjacent to agricultural uses (e.g., orchard, row crops and dairying lands) within the County of Tulare. According to the FMMP[30], the entire 20-acre proposed Project site is mapped as containing Prime Farmland.

Also, the Project must comply with Tulare County General Plan policy AG-1.6 Conservation Easements for conservation of important agricultural land to non-agricultural use through an in-lieu fee or other conservation mechanism. Implementation of **Mitigation Measure 3.2-1** will reduce the Project's impact to Less Than Significant. Therefore, a ***Less Than Significant Impact With Mitigation*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is the entire State of California. This cumulative analysis is based on the Statewide FMMP map. As indicated in the Tulare County General Plan 2030 Update Recirculated Environmental Impact Report, "The loss of agricultural land within the County as a result of urban development is part of an overall trend within the San Joaquin Valley and the County will continue to face development pressure in the foreseeable future. As more fully described in Section 3.10, "Agricultural Resources", the proposed project [Tulare County General Plan 2030 Update] does include several policies stating that the County will work at a regional level to control the conversion of agricultural uses. However, since the County is projected to continue to urbanize, the loss of agricultural lands as a result of the proposed project would contribute considerably to a significant and unavoidable cumulative impact to agricultural resources."[31] As shown in **Table 3.2-2**, of the 1,071,835 acres of Williamson Act lands in Tulare County, 565,190 acres (52.7%) are in Prime Lands. This Project; however, is not obligated by a Williamson Act Contract and thus would not account for any loss of Prime Lands under a Williamson Act Contract. As noted above, the inevitable loss of agricultural land is anticipated and has been

[30] California Department of Conservation. Farmland Mapping and Monitoring Program. Tulare County. ftp://ftp.consrv.ca.gov/pub/dlrp/fmmp/pdf/2014/tul14_no.pdf. Accessed July 2019.

[31] Tulare County General Plan 2030 Update Recirculated Environmental Impact Report. Page 5-12. Accessed July 2019 at: http://generalplan.co.tulare.ca.us/documents.html then access by clicking "Recirculated DEIR"

accounted in the Tulare County General Plan; therefore, this Project's approximately 20 acres will not contribute to or account in any change beyond an impact that has been previously addressed. Further, removing the Project site's 20 acres of agricultural land would result in a loss of 0.000018% of Prime Lands, but 0% of Williamson Act lands. As such, a ***Less Than Significant Cumulative Impact With Mitigation*** related to this Checklist Item will occur.

Mitigation: ***See Mitigation 3.2-1.***

3.2-1 The applicant will be required to create an agricultural land conservation easement at a ratio of 1 acre of developed property for 1 acre of conserved agricultural land (a 1:1 ratio). This amount of 1:1 will be represented by 19.33 acres within the County. Any replacement acreage will be to the satisfaction of the Planning Director of Tulare County. The applicant will purchase an agricultural land conservation easement, of like agricultural land within the County, on the entire 19.33 acres to be maintained and kept in agriculture in perpetuity. The "ultimate" agricultural easement shall be placed on other suitable and agriculturally compatible property, of the same soil types and arability, within Tulare County; at a replacement ratio of 1:1, and to be established as an agricultural land conservation easement in perpetuity.

As such, Less Than Significant Impact related to this Checklist Item will occur. The Project site is categorized as Prime Farmland by the California State Department of Conservation; however, the Project is an allowed use with by Use Permit within the AE-40 zone.

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted above, the Project will have a ***Less Than Significant Impact With Mitigation*** to this Checklist Item.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Project Impact Analysis: ***No Impact***

This impact evaluates the potential for the proposed Project to conflict with any existing Williamson Act Contract on the site or conflict with the existing zone designation. The Project site does not have a Williamson Act contract so there would be no impact to a Williamson Act Contract. The Project is allowed in the AE-40 zone with approval of a special use permit. Therefore, there would be ***No Impact*** to existing zoning or a Williamson Act Contract.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is the entire State of California. This cumulative analysis is based on provisions of the California Land Conservation Act of 1965 (Williamson Act) and on Tulare County allowed uses in agricultural zones.

The proposed Project site is not under a Williamson Act Contract and will not conflict with the overlaying Zone District. Therefore, ***No Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted above, ***No Project-specific or Cumulative Impacts*** will occur.

c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Project Impact Analysis: ***No Impact***

There is no forest land zoning on the proposed Project site and there are no forest uses on the site. No loss of forest land would occur and no conflicts would forest land zoning would occur. As such, ***No Project-specific Impacts*** to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project is not located within a forestland zone or would require the change of a forestland zone. As such ***No Cumulative Impacts*** to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted above, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Project Impact Analysis: ***No Impact***

As noted above, the proposed Project is not located within a forest land zone or will require the change of a forest land zone. As such, ***No Project specific Impact*** to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

As noted above, the proposed Project is not located within a forest land zone or will require the change of a forest land zone. As such, ***No Cumulative Impact*** to this Checklist Item will occur.

Mitigation Measures: ***None Required.***

Conclusion: ***No Impact***

As noted above, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Project Impact Analysis: ***No Impact***

The proposed Project is site specific and does not apply to any properties other than the approximate 20-acre Project site. As noted earlier, the Project is located in an area (zoning) where the proposed used is allowed following approval of a special use permit. As such, there is no potential for the proposed Project to result in the conversion of any surrounding agricultural uses or forest land to non-agricultural uses or non-forest uses; respectively.

As a result, the Project will result in ***No Impact*** to this resource.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Project is allowed following approval of a special use permit, it is not located within a forest land zone, and it will not require the change of a forest land zone. As such, there will be ***No Cumulative Impact*** to this resource.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted above, ***No Project-specific Impact or Less Than Significant Cumulative Impacts*** to this Checklist Item will occur.

ACRONYMS

CALFIRE	California Department of Forestry and Fire Protection
CLCA	California Land Conservation Act (Williamson Act)
DOC	California Department of Conservation
FFPA	Federal Farmland Protection Act
FMMP	Farmland Mapping and Monitoring Program
UDB	Urban Development Boundaries

DEFINITIONS

"The California Department of Conservation, Division of Land Resource Protection, maintains the Farmland Mapping and Monitoring Program (FMMP), which monitors the conversion of the state's farmland to and from agricultural use. The map series identifies eight classifications (discussed below) and uses a minimum mapping unit size of 10 acres. The program also produces a biannual report on the amount of land converted from agricultural to non-agricultural use. The program maintains an inventory of state agricultural land and updates its "Important Farmland Series Maps" every two years[32]. Although the program monitors a wide variety of farmland types (more fully described below), Important Farmland consists of lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland."[33]

Prime Farmland (P) - *"Prime Farmland is farmland with the best combination of physical and chemical features to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date."*[34]

Farmland of Statewide Importance (S) - *"Farmland of Statewide Importance is similar to Prime Farmland but has minor shortcomings, such as greater slopes or a lesser ability to store soil*

[32] California Department of Conservation, DLRP, Farmland Mapping and Monitoring Program. Accessed at July 2019: http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[33] Tulare County General Plan 2030 Update, Recirculated DEIR (SCH # 2006041162). Page 3.10-4.

[34] Ibid.

moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date."[35]

Unique Farmland (U) - *"Unique Farmland has lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date."*[36]

Farmland of Local Importance (L) - *"Farmland of Local Importance is land important to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee."*[37]

Grazing Land (G) - *"Grazing Land is land on which the vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, the University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres."*[38]

Urban and Built-Up Land (D) - *"Urban and Built-Up Land is land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes."*[39]

Other Land (X) - *"Other Land is land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land."*[40]

Water (W) - *"Water is defined as perennial water bodies with an extent of at least 40 acres. While the number of agricultural lands classified as Important Farmlands (i.e., Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) have been decreasing over the past several years, the total acreage for all categories of farmland (including grazing land) remained relatively stable between the years 1998 and 2006 (see Table 3.10-4). The locations of these farmland types are identified in Figure 3.10-1. The farmlands are concentrated in the Rural Valley/Foothill Planning areas. No important farmlands are located in the Mountain Area."*[41]

[35] Op. Cit.
[36] Op. Cit.
[37] Tulare County General Plan 2030 Update Recirculated DEIR, February 2010 (SCH # 2006041162). Page 3.10-4.
[38] Ibid.
[39] Op. Cit. 3.10-4 to 3.10-5.
[40] Op. Cit. 3.10-5.
[41] Tulare County General Plan 2030 Update Recirculated DEIR. February 2010 (SCH # 2006041162). Page 3.10-5.

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Biological Resources
Chapter 3.4

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impacts with Mitigation*** to Biological Resources. A detailed review of potential impacts is provided in the following analysis. A Biological Evaluation (*"Biological Evaluation (BE) Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California."*) conducted by consultants Live Oak Associates, Inc. is included in Appendix "B" of this document which is used as the basis for determining this Project will result in less than significant impacts.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

Whenever possible, public agencies are required to avoid or minimize environmental impacts by implementing practical alternatives or mitigation measures. According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.[1]

The California Environmental Quality Act (CEQA; California Public Resources Code §§ 21000-21177) requires that State agencies, local governments, and special districts evaluate and disclose impacts from "projects" in the State. CEQA Guidelines Section 15380 clearly indicates that species of special concern (SSCs) should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity.[2]

CEQA Guidelines Sections 15063 and 15065 address how an impact is identified as significant. These sections are particularly relevant to SSCs. Project-level impacts on listed rare, threatened, or endangered species are generally considered significant, and therefore require lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In determining to assign "impact significance" to populations of non-listed species, factors which are usually considered include population-level effects, proportion of the species' range affected by a project, regional effects, and impacts to habitat features.[3]

This section of the Draft Environmental Impact Report (DEIR) for the Project meets CEQA requirements by addressing potential impacts to biological resources on the proposed Project site, which is located in a portion of the San Joaquin Valley in Tulare County. The "Environmental Setting" section provides a description of biological resources in the region, with special emphasis

[1]. CEQA Guidelines Section 15382.

[2] California Department of Fish and Wildlife. Wildlife: Nongame: Species of Special Concern. *"How are SSCs addressed under the California Environmental Quality Act"* Accessed July 2019 at: http://www.dfg.ca.gov/wildlife/nongame/ssc/.

[3] Ibid.

on the proposed Project site and vicinity. The "Regulatory Setting" provides a description of applicable State and local regulatory policies. A description of the potential impacts of the proposed project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

Thresholds of Significance

The geographical area may be either statewide or nationwide, depending on the sensitive status of the species. Standards for listing as federal endangered species are determined by the Federal Endangered Species Act, administered by U.S. Department of Fish and Wildlife. Standards for listing of California special status species (Endangered, Threatened, Candidate Endangered, Candidate Threatened, and Sensitive Species) are administered by the California Department of Fish and Wildlife (DFW). These requirements are described in further detail in the "Regulatory" section of this document.

ENVIRONMENTAL SETTING

As indicated in the biological evaluation (BE) included in Appendix "B" of this EIR, "The project site is within the lower Kaweah River Delta, whose distributary drainages historically drained into the Tulare Lake. These waterways were historically characterized by extensive riparian, wetland, and aquatic ecosystems that supported large populations of diverse native plants and animals. Agricultural diversions and channel realignments have eliminated much of the original riparian habitat of this river system, and aquatic and wetland habitats have been greatly degraded from agricultural runoff and controlled flows. Tulare Lake has long been drained and converted to farmland and urban uses." [4]

Native plant and animal species once abundant in the region have become locally extirpated or have experienced large reductions in their populations due to conversion of upland, riparian, and aquatic habitats to agricultural and urban uses. Remaining native habitats are particularly valuable to native wildlife species including special status species that still persist in the region."[5]

"The project site consists of a wheat field and a fenced area with crushed asphalt substrate containing a large metal-sided barn, an office building, and a raised water tank. The project site has experienced agriculture-related disturbance since at least 1969. The project site is flat with a mean elevation of 287 feet National Geodetic Vertical Datum (NGVD). The project site contains two soil mapping units: Akers-Akers, saline-Sodic, complex, 0 to 2 percent slopes; and Nord fine sandy loam, 0 to 2 percent slopes. Neither of these soils is considered hydric, meaning they don't have the propensity to support seasonal pools that could provide habitat for sensitive plant or animal species. Furthermore, onsite soils have been significantly disturbed by decades of agricultural practices and other human uses. As a result, the soils of the project site have no particular significance to biological resources potentially occurring on the site."[6]

Land Uses/Biotic Habitats

[4] "*Biological Evaluation (BE) Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California."* Page 6. Prepared by Live Oak Associates (LOA), Inc. September 20, 2018. Included in Appendix "B" of the DEIR.

[5] Ibid.

[6] Op. Cit. 7.

"Two land uses/biotic habitats have been identified on the project site, comprising agricultural field and ruderal. A list of the vascular plant species observed within the project site and the terrestrial vertebrates using, or potentially using, the site is provided in Appendices B and C [of the BE], respectively. Selected photographs of the project site are presented in Appendix D [of the BE]. Land uses/biotic habitats of the project site are displayed in Figure 3 [of the BE].

Agricultural Field

Much of the site is an agricultural field most recently planted to wheat. Analysis of historic aerial imagery suggests it is periodically also planted to corn. Aside from the remnant wheat stocks, this field was characterized at the time of the field survey by herbaceous weedy vegetation such as barnyard barley (Hordeum murinum ssp. leporinum), prostrate knotweed (Polygonum aviculare), asthmaweed (Erigeron bonariensis), prickly lettuce (Lactuca serriola), shepherds purse (Capsella bursa-pastoris), lambsquarters (Chenopodium album), pigweed amaranth (Amaranthus albus), barnyard grass (Echinochloa crus-galli), rescue grass (Bromus catharticus), and Bermuda grass (Cynodon dactylon)."[7]

"Regular cultivation of the field limits its value to native wildlife; however, some wildlife species undoubtedly utilize the field. Amphibian use of this habitat is expected to be absent due to the absence of breeding habitat on and adjacent to the site. Reptiles that could occur in the field include the common side-blotched lizard (Uta stansburiana), Pacific gopher snake (Pituophis catenifer catenifer), and common kingsnake (Lampropeltis getula).

Agricultural fields also provide foraging habitat for a number of avian species. Common resident species likely to forage in the agricultural field of the project site include mourning doves (Zenaida macroura) (observed), American crows (Corvus brachyrhynchos), Brewer's blackbirds (Euphagus cyanocephalus), brown-headed cowbirds (Molothrus ater), and European starlings (Sturnus vulgaris). Summer migrants that would be common in the agricultural field of the project site include the western kingbird (Tyrannis verticalis) (observed), while common winter migrants would include the savannah sparrow (Passerella sandwichensis) and American pipit (Anthus rubescens).

A few mammal species may also occur within the onsite field. Small mammals such as deer mice (Peromyscus maniculatus) and California voles (Microtus californicus) would occur in fluctuating numbers depending on the season and crop. At the time of the field survey, burrowing mammal activity was sparse, with the only evidence of mammal burrows in the form of scattered dirt mounds created by burrowing Botta's pocket gophers (Thomomys bottae). Various species of bat may also forage over the field for flying insects.

The presence of reptiles, birds, and small mammals is likely to attract foraging raptors and mammalian predators. Raptors such as red-tailed hawks (Buteo jamaicensis), Swainson's hawks (Buteo swainsoni), and American kestrels (Falco sparverius) may forage over the field. Mammalian predators occurring in the agricultural field of the project site would most likely be

[7] Op. Cit.

limited to raccoons (Procyon lotor), striped skunks (Mephitis mephitis), coyotes (Canis latrans), and red fox (Vulpes vulpes), as these species are relatively tolerant of human disturbance."[8]

Ruderal/Developed

"The project site contained a ruderal/developed area surrounded by a chain-link fence. This portion of the site has been heavily influenced by human activities and contained a ground cover that appeared to be crushed asphalt, a large metal-sided barn, office building, stockpiles of broken concrete, and raised water tank. This ruderal/developed area contained little to no vegetation. Where vegetation was present, it consisted of weedy forbs such as Jimsonweed (*Datura wrightii*) and pigweed amaranth. A single medium sized mulberry tree (*Morus alba*) was located in this area next to the office building.

The wildlife habitat value of this portion of the project site is very low and is expected to be utilized primarily by non-native animal species accustomed to human environments. Amphibians are expected to be absent due to the lack of water and vegetation. Common reptiles such as the western fence lizard (*Sceloporus occidentalis*) and Pacific gopher snake could potentially use ruderal habitats of the project area. Rock pigeons (*Columba livia*) (observed), mourning doves, European starlings (*Sturnus vulgaris*), northern mockingbirds (*Mimus polyglottos*), house finches (*Carpodacus mexicanus*), and house sparrows (Passer domesticus) (observed) could be expected to occur in this ruderal/developed area, as could the disturbance-tolerant killdeer (*Charadrius vociferus*), which often nests on gravel or bare ground.

Small mammals are expected to be limited to house mice (*Mus musculus*), deer mice, and brown rat (*Rattus norvegicus*). Larger mammals are expected absent from this area due to the surrounding fence and low habitat value."[9]

"The California Natural Diversity Data Base (CDFW 2018) was queried for special status species occurrences in the nine USGS 7.5 minute quadrangles containing and immediately surrounding the project site (*Goshen, Visalia, Tulare, Paige, Waukena, Remnoy, Burris Park, Traver, and Monson*). These species, and their potential to occur on the project site, are listed in Table 1 [Table 3.4-1 of this DEIR] on the following pages. Sources of information for this table included *California's Wildlife, Volumes I, II, and III* (Zeiner et. al 1988-1990), *California Natural Diversity Data Base* (CDFW 2018), *Endangered and Threatened Wildlife and Plants* (USFWS 2018), *The Recovery Plan for Upland Species of the San Joaquin Valley, California* (USFWS 1998), *The Jepson Manual: Vascular Plants of California, second edition* (Baldwin et al 2012), and *The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2018), Calflora.org, and eBird.org.

Special status species occurrences within 5 kilometers of the project site are depicted in Figure 4 [in the BE] and San Joaquin kit fox (*Vulpes macrotis mutica*) occurrences and Swainson's hawk (*Buteo swainsoni*) nesting locations within 10 miles are presented in Figure 5 [in the BE]."[10]

[8] Op. Cit. 9.
[9] Op. Cit. 10.
[10] Op. Cit. 10 and 11.

The Biological Evaluation identified 29 potential special status species, and did not identify any native plant communities, which might occur onsite or in the proposed Project vicinity. This information was used to develop figures and tables contained in the BE as included in Appendix "B" of this DEIR. Table 3.4-1 summarizes the findings by species, status, habitat, and occurrence on the Project site:

There are two habitat conservation plans that apply in Tulare County: 1) Recovery Plan for Upland Species of the San Joaquin Valley, and 2) the Kern Water Bank Habitat Conservation Plan. However, both Plans areas are outside of the proposed Project area or vicinity. The blunt-nose leopard lizard is the only plant or animal species identified in the Recovery Plan for Upland Species of the San Joaquin Valley that is also within the range identified in the CNDDB; however, the BE (in Table 1 of the BE, Table 3.4-1 of this DEIR) indicates that suitable habitat for this species is absent from the Project site and surrounding lands.

TABLE 3.4-1
LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

Species	Status	Habitat	Occurrence on the Project Site
Plants (adapted from CDFW 2018 and CNPS 2018)			
California Jewel-flower (*Caulanthus californicus*)	FE, CE, CNPS 1B	Occurs in chenopod scrub, pinyon and juniper woodland, and sandy valley and foothill grassland; blooms February–May; elevation 250-3,300 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Hoover's Spurge (*Euphorbia hooveri*)	FT, CNPS 1B	Occurs in vernal pools of California's Central Valley; blooms July-September; elevation 80-820 ft.	**Absent.** Suitable habitat in the form of vernal pools does not exist on the project site.
San Joaquin Valley Orcutt Grass (*Orcuttia inaequalis*)	FT, CE, CNPS 1B	Occurs in vernal pools of the Central Valley; requi res deep pools with prolonged periods of inundation; blooms April-September; elevation 100-2,480 ft.	**Absent.** Suitable habitat in the form of vernal pools does not exist on the project site.
San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*)	FT, CE, CNPS 1B	Occurs in grasslands of the Sierra Nevada foothills in heavy clay soils of the Porterville and Centerville series. Blooms March-April; elevation 300-2,625 ft.	**Absent.** Porterville and Centerville soils are absent from the project site, and on-site habitats are otherwise unsuitable for this species.
CNPS-Listed Plants			
Heartscale (*Atriplex cordulata* var. *cordulata*)	CNPS 1B	Occurs on saline or alkaline soils in chenopod scrub, meadows, seeps, and grasslands; blooms April-October; elevations below 1,230 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Earlimart Orache (*Atriplex cordulata* var. *erecticaulis*)	CNPS 1B	Occurs in valley and foothill grasslands between 130 and 330 ft. in elevation; blooms August-September.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Brittlescale (*Atriplex depressa*)	CNPS 1B	Occurs in chenopod scrub, valley and foothill grassland, and wetland habitats; blooms April-October; elevations below 1,050 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Lesser Saltscale (*Atriplex minuscula*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grasslands of the San Joaquin Valley; alkaline/sandy soils; blooms May-October; elevation 50-660 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have

TABLE 3.4-1
LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

Species	Status	Habitat	Occurrence on the Project Site
			once been present has been modified by intensive human use.
Subtle Orache (*Atriplex subtilis*)	CNPS 1B	Occurs in valley and foothill grasslands of the San Joaquin Valley; blooms August-October; elevation 130-330 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grasslands; blooms March-June; alkaline soils; elevations below 2,500 ft.	**Absent.** Suitable habitat for this species is absent from the project site. Any suitable habitat that may have once been present has been modified by intensive human use.
Spiny-Sepaled Button Celery (*Eryngium spinosepalum)*	CNPS 1B	Occurs in vernal pools and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin; blooms April-May; elevation 330-840 ft.	**Absent.** Suitable habitat in the form of vernal pool wetlands or wetland swales are absent from the project site.
California Satintail (*Imperata brevifolia*)	CNPS 2B	This perennial grass is found in scrubland and chaparral habitats where water is available. Blooms September-May.	**Absent.** Suitable habitat for this species is absent from the project site.
California Alkali-Grass (*Puccinellia simplex*)	CNPS 1B	Occurs in saline flats and mineral springs less than 900 m. in elevation in the Central Valley, San Francisco Bay area and western Mojave Desert.	**Absent.** Suitable habitat in the form of saline flats and mineral springs is absent from the project site.
Sanford's Arrowhead (*Sagittaria sanfordii*)	CNPS 1B	Occurs in freshwater emergent marsh habitat in drainage ditches and canals of California's Central Valley. Blooms May to October.	**Absent**. Suitable habitat for this species is not present on the project site.
ANIMALS (adapted from CDFW 2018 and USFWS 2018)			
Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)	FT	Occurs in vernal pools, clear to tea-colored water in grass or mud-bottomed swales, and basalt depression pools.	**Absent.** Suitable habitat in the form of vernal pools is absent from the project site.
Vernal Pool Tadpole Shrimp (*Lepidurus packardi*)	FE	Primarily found in vernal pools, but may use other seasonal wetlands in mesic valley and foothill grasslands	**Absent.** Suitable habitat in the form of vernal pools is absent from the project site.
California Tiger Salamander (*Ambystoma californiense*)	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for aestivation. Although most CTS aestivate within 0.4 mile of their breeding pond, outliers may aestivate up to 1.3 miles away (Orloff 2011).	**Absent.** Vernal pool or seasonal wetland habitat suitable for breeding by the CTS does not exist on or within a 1.3-mile radius of the project site. The site is situated within agricultural lands generally not suitable for CTS. Furthermore, the site is located outside the known range of the species, with the closest known breeding occurrence of CTS approximately 16 miles northeast of the project site.
Blunt-Nosed Leopard Lizard (*Gambelia sila*)	FE, CE, CFP	Occurs in semiarid grasslands, alkali flats, and washes. Avoids densely vegetated areas. Inhabits the San Joaquin Valley and adjacent valleys and foothills north to Merced County.	**Absent.** Suitable habitat for this species is absent from the project site and surrounding lands.
Swainson's Hawk (*Buteo swainsoni*)	CT	This breeding-season migrant to California nests in stands with few trees in riparian areas and juniper-sage flats, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations.	**Possible.** The wheat and corn crops grown on the onsite agricultural field provide unsuitable (corn) to seasonably suitable (wheat) foraging habitat for Swainson's hawks (Estep 2009). A single medium sized onsite mulberry tree offers extremely marginal nesting

TABLE 3.4-1
LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

Species	Status	Habitat	Occurrence on the Project Site
			habitat. Twenty-two Swainson's hawk nesting occurrences have been documented within 10-mile radius of the project site (CDFW 2018).
Western Yellow-Billed Cuckoo (*Coccyzus americanus occidentalis*)	FT, CE	Occurs in valley foothill and desert riparian habitats in scattered locations in California Requires extensive gallery riparian forests for nesting.	**Absent.** Suitable habitat for this species is absent from the project site. The only known occurrence in the project vicinity was mapped generally to Visalia in 1919 (CDFW 2018).
Tricolored Blackbird (*Agelaius tricolor*)	CC	Breeds near fresh water, primarily emergent wetlands, with tall thickets. Forages in grassland and cropland habitats.	**Possible.** Tricolored blackbirds could occasionally forage in the agricultural field of the project site. This species could conceivable nest in the agricultural field when wheat is grown. The closest known occurrence of a breeding colony was documented in a wheat field approximately 10 miles southwest of the project site in 2000 (CDFW 2018).
San Joaquin Kit Fox (*Vulpes macrotis mutica*)	FE, CT	Found in desert alkali scrub and annual grasslands; may forage in adjacent agricultural habitats. Use underground dens for thermoregulation, cover, and reproduction. Dens are either self-dug or modified rodent burrows.	**Unlikely.** Habitats on the project site are of little to no value to kit fox due to regular human disturbance, the lack of available prey, and the site's isolation from natural habitats and known kit fox populations. There are 11 documented kit fox occurrences within a 10-mile radius of the project site, with all but two from the early to mid-1970s (see Figure 5). In fact, there have been no documented kit fox occurrences in the project vicinity for the last 15 years. The project site is situated approximately 60 miles away from the nearest kit fox core population on natural lands of western Kern County (Smith et al. 2006).
Western Spadefoot (*Spea hammondii*)	CSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1,200 ft. of aquatic habitat.	**Absent.** Suitable breeding habitat for western spadefoot does not exist on the project site or surrounding lands.
Western Pond Turtle (*Emys marmorata*)	CSC	Occurs in open slow-moving water or ponds with rocks and logs for basking. Typically requires perennial waters. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water. This species is almost extinct in the southern San Joaquin Valley.	**Absent.** Suitable aquatic habitat for western pond turtle does not exist on the project site or surrounding lands.
Northern California Legless Lizard (*Anniella pulchra*)	CSC	Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks.	**Absent.** The project site provides unsuitable habitat for this species due to ongoing agricultural use of the site.
Burrowing Owl (*Athene cunicularia*)	CSC	Frequents open, dry annual or perennial grasslands, deserts, and scrublands characterized by low- growing vegetation.	**Absent**. Burrowing owls are considered absent from the project site for the following reasons.

TABLE 3.4-1
LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

Species	Status	Habitat	Occurrence on the Project Site
		Dependent upon burrowing mammals, most notably the California ground squirrel, for nest burrows.	Documented burrowing owl occurrences are absent from the project vicinity (CDFW 2018; ebird 2018); no sign of burrowing owl occupation was observed on the project site; when crops are standing the site is rendered unsuitable for burrowing owls; and suitably sized burrows were absent from the project site.
Loggerhead Shrike (*Lanius ludovicianus*)	CSC	Frequents open habitats with sparse shrubs and trees, other suitable perches, bare ground, and low herbaceous cover. Can often be found in cropland.	**Possible.** Shrikes could nest in the single onsite tree and could forage in the agricultural field on the site.
Western Mastiff Bat (*Eumops perotis californicus*)	CSC	Found in open, arid to semi-arid habitats. Roosts most commonly in crevices in cliff faces, but may also use high buildings, trees, and tunnels.	**Possible.** Potential foraging habitat occurs in the airspace above the site. Roosting habitat is absent from the site. Furthermore, this species is not known to roost in the southern San Joaquin Valley.
American Badger (*Taxidea taxus*)	CSC	Uncommon resident statewide; most abundant in drier open stages of most shrub, forest, and herbaceous habitats.	**Absent.** The project site provides unsuitable habitat for this species due to ongoing agricultural use of the site.

OCCURRENCE TERMINOLOGY

Present: Species observed on the site at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the site, but it could occur there from time to time.
Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the site, and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CFP	California Fully Protected
FPT	Federally Threatened (Proposed)	CSC	California Species of Special Concern
FC	Federal Candidate	CC	California Candidate

CNPS California Native Plant Society Listing

1A - Plants Presumed Extinct in California
1B - Plants Rare, Threatened, or Endangered in California and elsewhere an
2 - Plants Rare, Threatened, or Endangered in California, but more common elsewhere

REGULATORY SETTING

Applicable Federal, State, and local regulations specific to biological resources are described below. The following environmental regulatory settings were summarized, in part, from information contained in the Tulare County General Plan 2010 Background Report.

Federal Agencies & Regulations

Federal Endangered Species Act

"In California, imperiled plants and animals may be afforded special legal protections under the California Endangered Species Act (CESA) and/or Federal Endangered Species Act (FESA). Species may be listed as "threatened" or "endangered" under one or both Acts, and/or as "rare" under CESA. Under both Acts, "endangered" means a species is in danger of extinction throughout all or a significant portion of its range, and "threatened" means a species is likely to become endangered within the foreseeable future. Under CESA, "rare" means a species may become endangered if their present environment worsens. Both Acts prohibit "take" of listed species, defined under CESA as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86), and more broadly defined under FESA to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3)."[11]

"The U.S. Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act (16 USC Section 153 et seq.) and thereby has jurisdiction over federally listed threatened, endangered, and proposed species. Projects that may result in a "take" of a listed species or critical habitat must consult with the USFWS. "Take" is broadly defined as harassment, harm, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collection; any attempt to engage in such conduct; or destruction of habitat that prevents an endangered species from recovering (16 USC 1532, 50 CFR 17.3). Federal agencies that propose, fund, or must issue a permit for a project that may affect a listed species or critical habitat are required to consult with the USFWS under Section 7 of the Federal Endangered Species Act. If it is determined that a federally listed species or critical habitat may be adversely affected by the federal action, the USFWS will issue a "Biological Opinion" to the federal agency that describes minimization and avoidance measures that must be implemented as part of the federal action. Projects that do not have a federal nexus must apply for a take permit under Section 10 of the Act. Section 10 of the act requires that the project applicant prepare a habitat conservation plan as part of the permit application (16 USC 1539)."[12]

"Under Section 4 of the Federal Endangered Species Act, a species can be removed, or delisted, from the list of threatened and endangered species. Delisting is a formal action made by the USFWS and is the result of a determined successful recovery of a species. This action requires posts in the federal registry and a public comment period before a final determination is made by the USFWS."[13]

Habitat Conservation Plans

"Habitat Conservation Plans (HCPs) are required for a non-federal entity that has requested a take permit of a federal listed species or critical habitat under Section 10 of the Endangered Species Act. HCPs are designed to offset harmful effects of a proposed project on federally listed species. These plans are utilized to achieve long-term biological and regulatory goals. Implementation of HCPs allows development and projects to occur while providing conservation measures that

[11] Op. Cit. 23.
[12] Tulare County General Plan 2030 Update Recirculated DEIR. Page 3.11-2.
[13] Ibid.

protect federally listed species or their critical habitat and offset the incidental take of a proposed project. HCPs substantially reduce the burden of the Endangered Species Act on small landowners by providing efficient mechanisms for compliance with the ESA, thereby distributing the economic and logistic effects of compliance. A broad range of landowner activities can be legally protected under these plans.[14] There are generally two types of HCPs, project specific HCPs which typically protect a few species and have a short duration and multi-species HCPs which typically cover the development of a larger area and have a longer duration."[15]

Migratory Bird Treaty and Bald and Golden Eagle Protection Act

"The Migratory Bird Treaty Act (MBTA, 16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668) protect certain species of birds from direct "take". The MBTA protects migrant bird species from take by setting hunting limits and seasons and protecting occupied nests and eggs. The Bald and Golden Eagle Protection Act (16 USC Sections 668-668d) prohibits the take or commerce of any part of Bald and Golden Eagles. The USFWS administers both acts, and reviews federal agency actions that may affect species protected by the acts."[16]

Clean Water Act - Section 404

"Wetlands and other waters of the U.S. are subject to the jurisdiction of the U.S. Army Corp of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act (33 U.S.C. 1251 et seq., 1972). Together, the EPA and the USACE determine whether they have jurisdiction over the non-navigable tributaries that are not relatively permanent based on a fact-specific analysis to determine if there is a significant nexus. These non-navigable tributaries include wetlands adjacent to non-navigable tributaries that are not relatively permanent and wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary."[17]

"Wet areas that are not regulated by this Act do not have a hydrologic link to other waters of the U.S., either through surface or subsurface flow and include ditches that drain uplands, swales or other erosional features. The USACE has the authority to issue a permit for any discharge, fill, or dredge of wetlands on a case-by-case basis, or by a general permit. General permits are handled through a Nationwide Permit (NWP) process. These permits allow specific activities that generally create minimal environmental effects. Projects that qualify under the NWP program must fulfill several general and specific conditions under each applicable NWP. If a proposed project cannot meet the conditions of each applicable NWP, an individual permit would likely be required from the USACE."[18]

[14] Tulare County General Plan 2030 Update Background Report. Pages 9-6 and 9-7.
[15] Tulare County General Plan 2030 Update Recirculated DEIR. Page 3.11-2.
[16] Ibid. Page 3.11-3.
[17] Op. Cit. Page 3.11-1.
[18] Tulare County General Plan 2030 Update DEIR. Pages 3.11-1 to 3.11.2.

State Agencies & Regulations

California Department of Fish and Wildlife (formerly Dept. of Fish and Game)

The California Department of Fish and Wildlife (DFW) regulates the modification of the bed, bank, or channel of a waterway under Sections 1601-1607 of the California Fish and Game Code. Also included are modifications that divert, obstruct, or change the natural flow of a waterway. Any party who proposes an activity that may modify a feature regulated by the Fish and Game Code must notify DFW before project construction. DFW will then decide whether to enter into a Streambed Alteration Agreement with the project applicant either under Section 1601 (for public entities) or Section 1603 (for private entities) of the Fish and Game Code.

California Endangered Species Act

DFW administers the California Endangered Species Act of 1984 (Fish and Game Code Section 2080), which regulates the listing and "take" of endangered and threatened State-listed species. A "take" may be permitted by California Department of Fish and Game through implementing a management agreement. "Take" is defined by the California Endangered Species Act as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" a State-listed species (Fish and Game Code Sec. 86). Under State laws, DFW is empowered to review projects for their potential impacts to State-listed species and their habitats.

The DFW maintains lists for Candidate-Endangered Species (SCE) and Candidate-Threatened Species (SCT). California candidate species are afforded the same level of protection as State-listed species. California also designates Species of Special Concern (CSC) that are species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. These species do not have the same legal protection as listed species, but may be added to official lists in the future. The CSC list is intended by DFW as a management tool for consideration in future land use decisions (Fish and Game Code Section 2080).[19]

All State lead agencies must consult with DFW under the California Endangered Species Act when a proposed project may affect State-listed species. DFW would determine if a project under review would jeopardize or result in taking of a State-listed species, or destroy or adversely modify its essential habitat, also known as a "jeopardy finding" (Fish and Wildlife Code Sec. 2090). For projects where DFW has made a jeopardy finding, DFW must specify reasonable and prudent alternatives to the proposed project to the State lead agency (Fish and Wildlife Code Sec. 2090 et seq.).[20]

Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act allows a process for developing natural community conservation plans (NCCPs) under DFW direction. NCCPs allow for regional protection of wildlife diversity, while allowing compatible development. DFW may permit takings

[19] Tulare County General Plan 2030 Update, Background Report. Pages 9-7 and 9-8.
[20] Ibid.

of State-listed species whose conservation and management are provided in a NCCP, once a NCCP is prepared (Fish and Game Code Secs. 2800 et seq.).[21]

Federally and State-Protected Lands

Ownership of California's wildlands is divided primarily between federal, state, and private entities. State-owned land is managed under the leadership of the Departments of Fish and Wildlife (DFW), Parks and Recreation, and Forestry and Fire Protection (CDF). Tulare County has protected lands in the form of wildlife refuges, national parks, and other lands that have large limitations on appropriate land uses. Some areas are created to protect special status species and their ecosystems.[22]

California Wetlands Conservation Policy

The California Wetlands Conservation Policy's goal is to establish a policy framework and strategy that will ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California. Additionally, the policy aims to reduce procedural complexity in the administration of State and federal wetlands conservation programs and to encourage partnerships with a primary focus on landowner incentive programs and cooperative planning efforts. These objectives are achieved through three policy means: statewide policy initiatives, three geographically based regional strategies in which wetland programs can be implemented, and creation of interagency wetlands task force to direct and coordinate administration and implementation of the policy. Leading agencies include the Resources Agency and the California Environmental Protection Agency (Cal/EPA) in cooperation with Business, Transportation and Housing Agency, Department of Food and Agriculture, Trade and Commerce Agency, Governor's Office of Planning and Research, Department of Fish and Wildlife, Department of Water Resources, and the State Water Resources Control Board.[23]

Birds of Prey

Birds of Prey are protected under the California Fish and Wildlife Code Section 3503.5, which states:

> *"It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."*

This includes any construction disturbance which could lead to nest abandonment, which is considered a "taking" by the DFW.

[21] Op. Cit.
[22] Op. Cit. Page 9-9.
[23] Tulare County General Plan 2030 Update, *Background Report.* Page 9-9.

Special Status Species

"Several species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. As described more fully in Section 3.2, state and federal laws have provided the California Department of Fish and Wildlife (CDFW) (previously called the California Department of Fish and Game – CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as "threatened" or "endangered" under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as "species of special concern" by the CDFW. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered. Collectively, these plants and animals are referred to as "special status species."[24]

CEQA and Oak Woodland Protection

CEQA Statute Section 21083.4, "Counties; Conversion of Oak Woodlands; Mitigation Alternatives," requires that counties determine whether a development will have potential impacts on oak woodlands:

> 21083.4(a): "For purposes of this section, "oak" means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height."
>
> 21083.4(b): "…a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the [listed] oak woodlands mitigation alternatives…"

Local Policy & Regulations

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within the County of Tulare. General Plan policies that relate to the proposed Project are listed below.

ERM-1.1 Protection of Rare and Endangered Species - The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.

[24] *"Biological Evaluation (BE) Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California."* Pages 10 and 11. Prepared by Live Oak Associates (LOA), Inc. September 20, 2018. Included in Appendix "B" of this DEIR.

ERM-1.2 Development in Environmentally Sensitive Areas - The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize erosion and maximize beneficial vegetative growth.

ERM-1.15 Minimize Lighting Impacts - The County shall ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent natural areas at a level greater than one foot candle above ambient conditions.

ERM-1.16 Cooperate with Wildlife Agencies - The County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas.

IMPACT EVALUATION

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

As noted earlier, the Project site consists of a wheat field and a fenced area with crushed asphalt substrate containing a large metal-sided barn, an office building, and a raised water tank. The Project site has experienced agriculture-related disturbance since at least 1969. The Project would result in conversion of the 20-acre site which contains an agricultural field and ruderal/developed area to an industrial use in the form of a small concrete/asphalt batch plant.[25]

According to the CNDDB search and as described in the Biological Evaluation (BE) prepared by consultants Live Oak Associates (LOA) (included in Appendix "B"), 14 Special Status plant species, 15 Special Status animal species, and no special habitats are known to occur in the general proposed Project vicinity. Field surveys were conducted on July 17, 2018 an LOA ecologist by LOA in July 2018 to determine if the Project site contained biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law. The survey results provided by LOA indicate that, "Two land uses/biotic habitats have been identified within the project site, comprising agricultural field and ruderal/developed. Both of these land use/biotic habitats have experienced some level of human disturbance or modification. The project site sits within a region of Tulare County dominated by agricultural uses.

[25] Ibid. 26.

The project site does not provide suitable habitat for locally occurring special status plant species; hence, the proposed project will not impact special status plants. Project impacts will also be less than significant for wildlife movement corridors, natural communities of special concern or other sensitive habitats, downstream water quality, federally regulated waters, and many special status animal species that are absent or unlikely to occur within the project site or that may regularly or occasionally forage within the project site but breed elsewhere. The project does not appear to conflict with the Tulare County General Plan or other local policies."[26]

"The Swainson's hawk, loggerhead shrike, tricolored blackbird, and other migratory birds may nest onsite and/or on adjacent lands such that they have the potential to suffer construction related mortality, which would be considered a significant impact of the project. Avoidance of active bird nests identified during preconstruction surveys will ensure that potential impacts to these avian species are reduced to a less than significant level." [27]

"Ecology of the species. The Swainson's hawk is a large, long-winged, broad-tailed hawk with a high degree of mate and territorial fidelity. It is a breeding season migrant to California, with hawks arriving at their nesting sites in March or April. The young typically hatch between May and June and fledge 4 to 6 weeks later. By October, most birds have left for wintering grounds in South America.

In the Central Valley, Swainson's hawks typically nest in large trees along riparian systems, but may also nest in oak groves or lone, mature trees in agricultural fields or along roadsides. Nest sites are typically located adjacent to suitable open habitat for hunting small prey. In the Central Valley, California voles account for about 45% of non-insect prey taken by the Swainson's hawk, followed by mourning doves, ring-necked pheasants (Phasianus colchicus), western meadowlarks (Sturnella neglecta), and other birds (32%), and pocket gophers, deer mice, and other small mammals (20%) (Estep 1989). Insects comprise a large proportion of individual.

The suitability of a particular site for Swainson's hawk foraging is based on a combination of prey abundance and prey accessibility; the latter is determined by the vegetation characteristics of a site (Bechard 1982, Estep 1989). Swainson's hawks preferentially forage in habitats with low-profile vegetation, such as grasslands or pastures, fallow or disced fields, alfalfa and other hay crops, and certain grain and row crops, primarily during or immediately after harvest (Estep 1989, Estep and Dinsdale 2012). Loss of nesting and foraging habitat has greatly reduced the breeding range and abundance of this species in California, leading to its listing as threatened under the California Endangered Species Act in 1983 (CDFG 1994).

Potential to occur onsite. The project site contains 17 acres of agricultural field that has been planted to wheat and/or corn, depending on the year, for the last 10 years. Aerial photos of the project vicinity over the last 10 years indicate that surrounding lands follow the same crop regime. At the time of the July 2018 field survey, the onsite ag field consisted of wheat stocks

[26] Op. Cit.
[27] Op. Cit.

that were harvested earlier in the summer. Surrounding lands consisted of corn. It is surmised that corn was not planted on the project site in 2018 in anticipation of the proposed land-use change. In years of corn production on the site, the site would provide unsuitable Swainson's hawk foraging habitat due to low prey abundance and inaccessibility of prey items during the period of time when Swainson's hawks are present in the region. In years of both wheat and corn production, the site would provide low suitability foraging habitat, with a small window of foraging opportunity post-wheat harvest and pre-corn planting. During years of wheat production, the site would offer seasonably suitable foraging habitat post-harvest (Estep 2009). The ruderal/developed area of the site is considered unsuitable for foraging due to the crushed asphalt substrate, stockpiles of broken concrete, and onsite buildings; which provide unsuitable habitat for potential prey items. This ruderal/developed area contains a single medium-sized white mulberry tree that provides extremely marginal nesting habitat. Foliage was sparse and no stick nests were observed during the field investigation. Nesting habitat is absent from immediately surrounding lands. However, Swainson's hawk nesting activity is abundant in the project vicinity, with the nearest nesting occurrence 0.7 miles southwest of the project site (see Figure 5). Furthermore, a driving inspection of lands in the near vicinity of the project site by the investigator found Swainson's hawks present in the project vicinity, primarily near alfalfa fields.

It is expected that Swainson's hawks occasionally utilize 17 acres of the site for foraging for a few months of some years depending on crop selection."[28]

"The project site contains suitable nesting habitat for a few avian species protected by state laws. The onsite tree could also be used by a few bird species including the loggerhead shrike (*Lanius ludovicianus*), a California Species of Special Concern. The tricolored blackbird (*Agelaius tricolor*), a State Endangered Candidate species, could potentially nest in the agricultural field if wheat is grown as it was prior to the field investigation of the site. The Swainson's hawk could nest in a few native oak trees approximately 0.42 to 0.5 miles north of the project site. The onsite mulberry tree and non-native residential trees approximately 0.15 miles east along Avenue 280 are considered extremely unlikely to support nesting Swainson's hawks. Even the most disturbed habitats of the project site could be used by the killdeer, mourning dove, and other disturbance-tolerant birds. If birds were to be nesting on or adjacent to the project site at the time of construction, project-related activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success of raptors or result in mortality of individual birds constitute a violation of state laws (see Sections 3.2.3 and 3.2.4) and would be considered a significant impact under CEQA.

Given the many square miles of agricultural land in the project vicinity that provides similar to higher quality avian nesting habitat, a loss of a small amount of potential nesting habitat for the loggerhead shrike and tricolored blackbird is considered less than significant under CEQA."[29]

[28] Op. Cit. Page 18-20.
[29] Op. Cit. 27.

Based on this analysis, implementation of **Mitigation Measures 3.4-1** through **3.4-3** (shown as Mitigations 3.3-a, 3.3-b, and 3.3-c in the BE included in Appendix "B"). would reduce potential Project-specific impacts related to this Checklist Item to ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist in other portions of the San Joaquin Valley, and therefore cumulative impacts would extend beyond Tulare County's political boundaries.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project does not result in significant loss of habitat or direct impact to these special status species, ***Less Than Significant Cumulative Impacts with Mitigation*** will occur. Consultants LOA recommended the following Mitigation Measures as contained in the Biological Evaluation (See Appendix "B" of this DEIR). For easier reading, the Mitigation Measures contained in the Biological Evaluation have been sequenced differently and numbered rather than using the format contained in the Biological Evaluation.

Mitigation Measure(s):

Nesting Swainson's Hawks, Tricolored Blackbird, Loggerhead Shrike, and Other Migratory Birds.

In order to minimize construction disturbance to nesting birds, the applicant will implement the following measure(s), as necessary, prior to project construction:[30]

3.4-1 **(Avoidance)**. In order to avoid impacts to nesting birds, construction will occur, where possible, outside the nesting season, or between September 16 and January 31.[31]

3.4-2 **(Pre-construction Surveys)**. If construction must occur during the nesting season (February 1-September 15), a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days of the onset of project initiation. Nest surveys will include all accessible areas on the project site and within 250 feet of the project site for tricolored blackbird, loggerhead shrike, and other migratory birds; within 500 feet for non-listed raptors; and 0.5 miles for Swainson's hawks. Inaccessible areas will be scanned with binoculars or spotting scope, as appropriate. If no active nests are found within the survey area, no further mitigation is required.[32]

[30] Op. Cit.
[31] Op. Cit.
[32] Op. Cit.

3.4-3 **(Establish Buffers).** If active nests are found within the survey areas a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance, baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. [33]

Compliance with the above **Mitigation Measures 3.4-1** through **3.4-3** would reduce impacts to nesting raptors and migratory birds, including the Swainson's hawk, tricolored blackbird, and loggerhead shrike, to a less than significant level under CEQA, and ensure compliance with state laws.[34]

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation*** related to this Checklist Item will occur.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game [Wildlife] or U.S. Fish and Wildlife Service?

Project Impact Analysis: ***No Impact***

As concluded in the BE (included in Appendix "B") in the discussion regarding potential impacts to riparian or other sensitive habits, "No riparian or other sensitive habitats occur on or immediately adjacent to the project site. Because these habitats are absent, they will not be impacted by project activities."[35] There are no sensitive riparian or natural habitats in the immediate proposed Project area and as such, ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist in other portions of the San Joaquin Valley.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project does not result in loss of riparian or otherwise sensitive habitat, ***No Cumulative Impacts*** will occur.

Mitigation: ***None Required.***

[33] Op. Cit.
[34] Op. Cit.
[35] Op. Cit. 31.

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Project Impact Analysis: ***No Impact***

"The project site contains no hydrologic features. As such, Waters of the U.S. are absent from the project site. The project will have no impact on Waters of the U.S."[36]. The BE also evaluated degradation of water quality in seasonal drainages, stock ponds, and downstream waters determining that, "Extensive grading often leaves the soils of construction zones barren of vegetation and, therefore, vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals, and adjacent wetlands. Furthermore, runoff is often polluted with grease, oil, pesticide and herbicide residues, heavy metals, etc. The project site is situated within a flat landscape and no waterways are present within or immediately adjacent to the project site. Therefore, downstream water quality would not be impacted by project activities."[37] As such, the proposed Project would not result in an adverse effect on federally protected wetlands. ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist in other portions of the San Joaquin Valley.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project does not result in the loss of federally protected wetlands, ***No Cumulative Impacts*** will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

[36] Op. Cit. 30
[37] Op. Cit.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Project Impact Analysis ***Less Than Significant Impact***

As indicated in the BE, "While some common wildlife species, primarily birds, are expected to regularly use and/or pass through the site, the project site does not contain any features that would function as a fish or wildlife movement corridor or be considered a nursery site. Therefore, the project will not substantially impede the movement of native fish or wildlife species, nor impede their use of a nursery site. Project impacts to wildlife movements, movement corridors, and nursery sites are considered less than significant under CEQA."[38] Therefore, the proposed Project will result in a ***Less Than Significant Impact*** on regional wildlife movements.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, corridors for fish and wildlife species with similar habitat requirements may exist in other portions of the San Joaquin Valley.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project does not impact federally protected wetlands, ***Less Than Significant Cumulative Impacts*** will occur.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impacts***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Project Impact Analysis: ***No Impact***

The proposed Project will not conflict with any policies or ordinances protecting biological resources. ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County.

[38] Op. Cit.

There will be no impacts to policies or ordinances relating to biological resources, and therefore there will be ***No Cumulative Impacts*** related to this Checklist Item.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Project Impact Analysis: ***No Impact***

As noted in the BE, "The proposed project appears to be consistent with the goals and policies of the Tulare County General Plan. No known Habitat Conservation Plans or Natural Community Conservation Plans are in effect for the area. Therefore, the project would be carried out in compliance with local policies and ordinances."[39] As such, ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is California. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

There are ***No Impacts*** related to habitat conservation plans, and therefore there are ***No Cumulative Impacts*** that will conflict with local policies or ordinances.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

[39] Op, Cit. 31.

REFERENCES

CEQA Guidelines Section 15382

California Department of Fish and Wildlife, 2019, Natural Diversity Data Base, Special Animal and Special Plants.

California Department of Fish and Wildlife. Wildlife: Nongame: Species of Special Concern. http://www.dfg.ca.gov/wildlife/nongame/ssc/. Accessed March 2019.

California Native Plant Society, Rare Plant Program. 2014. Inventory of Rare and Endangered Plants (online edition, V8-02). http://www.rareplants.cnps.org/. Accessed March, 2019.

"Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California" Live Oak Associates, Inc., September 20, 2018. Included in Appendix "B" of this DEIR.

Tulare County General Plan 2030 Update Background Report. Accessed June 2019 at: at: http://generalplan.co.tulare.ca.us/documents.html then locate "Background Report February 2010", select "February 2010 Background Report".

Tulare County General Plan 2030 Update Recirculated DEIR. Accessed in June 2019 at: http://generalplan.co.tulare.ca.us/documents.html then locate "Recirculated Draft Environmental Impact Report February 2010 Draft", select "Recirculated DEIR".

Cultural Resources
Chapter 3.5

SUMMARY OF FINDINGS

The proposed Project will result in ***No Impact*** to Cultural Resources. The *"Phase 1 Survey, 7763 Avenue 280, Visalia, Tulare County California"* report was prepared by ASM Affiliates, Inc., which is included in Appendix "C". This information, and additional analysis in the resource discussion item, are used as the basis for determining that this Project will result in no impacts.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

Several CEQA statutes and guidelines address requirements for cultural resources, including historic and archaeological resources. If a proposed Project may cause a substantial adverse effect on the significance of a historical resource, then the project may be considered to have a significant effect on the environment, and the impacts must be evaluated under CEQA.[1] The definition of "historical resources" is included in Section 15064.5 of CEQA Guidelines, and includes both historical and archaeological resources. "Substantial adverse change" is defined as "physical demolition, destruction, relocation, or alteration of the resource…"

Section 15064.5 also provides guidelines when there is a probable likelihood of Native American remains existing in the project site. Provisions for the accidental discovery of historical or unique archaeological resources accidentally discovered during construction include a recommendation for evaluation by a qualified archaeologist, with follow up as necessary.

Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands."

This section of the Draft Environmental Impact Report (DEIR) for the proposed Project meets CEQA requirements by addressing potential impacts to cultural resources on the proposed Project site. The "Environmental Setting" section provides a description of cultural resources in the region, with special emphasis on the proposed Project site and vicinity. The "Regulatory Setting" section provides a description of applicable State and local regulatory policies. Results of cultural resources field study and reports from CHRIS are included. A description of potential impacts is provided, along with feasible mitigation measures to reduce the impacts to less than significant.

[1] CEQA Section 21084.1.

CEQA Thresholds of Significance

Under CEQA Guidelines Section 15064.5. (b) "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment."

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public

Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents."[2]

ENVIRONMENTAL SETTING

"Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory."[3]

"California's coast was initially explored by Spanish (and a few Russian) military expeditions during the late 1500s. However, European settlement did not occur until the arrival into southern California of land-based expeditions originating from Spanish Mexico starting in the 1760s. Early settlement in the Tulare County area focused on ranching. In 1872, the Southern Pacific Railroad entered Tulare County, connecting the San Joaquin Valley with markets in the north and east. About the same time, valley settlers constructed a series of water conveyance systems (canals, dams, and ditches) across the valley. With ample water supplies and the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region."[4]

"The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford. Visalia, the County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The California Department of Finance estimated the 2007 Tulare County population to be 430,167"[5]

Existing Cultural and Historic Resources

"Tulare County's known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources."[6]

Due to the sensitivity of many prehistoric, ethnohistoric, and historic archaeological sites, locations of these resources are not available to the general public. The Information Center at California State University Bakersfield houses records associated with reported cultural

[2] CEQA Guidelines, Section 15064.5 (b).
[3] Tulare County General Plan 2030 Update. Page 8-5.
[4] Ibid.
[5] Ibid. Page 8-6.
[6] Tulare County General Plan 2030 Update, *Background Report*, Page 9-56.

resources surveys, including the records pertinent to sensitive sites, such as burial grounds, important village sites, and other buried historical resources protected under state and federal laws.

"An intensive Phase I cultural resources survey was conducted for a proposed 20-acres batch plant, located at 7763 Avenue 280 (APN 119-010-039), Visalia, Tulare County, California. ASM Affiliates, Inc., conducted this study, with David S. Whitley, Ph.D., RPA, serving as principal investigator. The study was undertaken to assist with compliance with the California Environmental Quality Act (CEQA).

A records search of site files and maps was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield. A Sacred Lands File Request was also submitted to the Native American Heritage Commission (NAHC). Letters and follow-up phone calls were made to tribal organizations on the NAHC contact list, to determine whether tribal cultural resources were known in or near the Project. These investigations determined that the Project area had not been previously surveyed and that no sites or tribal cultural resources were known to exist within or near it.

The Phase I survey fieldwork was conducted in August 2018 with parallel transects spaced at 15-meter intervals walked along the approximately 20-acre study area. No archaeological resources of any kind were discovered within the project area. Based on these results, the proposed batch plant project does not have the potential to result in significant impacts to historical or unique cultural resources, and no additional archaeological work is recommended."[7]

REGULATORY SETTING

Federal Agencies & Regulations

The National Historic Preservation Act

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation. The National Historic Preservation Act (NHPA), which established the ACHP in 1966, directs federal agencies to act as responsible stewards when their actions affect historic properties. The ACHP is given the legal responsibility to assist federal agencies in their efforts and to ensure they consider preservation during project planning reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. A key ACHP function is overseeing the federal historic preservation review process established by Section 106 of the NHPA. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.

[7] "*7763 Avenue 280, Phase I Project*" report (Cultural or Phase I report). Page. iii. Prepared by ASM Affiliates, Inc. and included in Appendix "C" of this DEIR.

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources.[8]

State Agencies & Regulations

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.[9]

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes a statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Historical Resources Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.[10]

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important to our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.[11]

CEQA Guidelines: Historical Resources Definition

CEQA Guidelines Section 15064.5(a) defines a historical resource as:

[8] Advisory Council on Historic Preservation. https://www.achp.gov/sites/default/files/documents/2018-06/AboutTheACHPFactSheet2015v3_1.pdf. Accessed September 2019.

[9] Advisory Council on Historic Preservation, State Historic Preservation Officers, http://www.achp.gov/shpo.html, Accessed September 2019.

[10] California Office of Historic Preservation, About OHP, http://ohp.parks.ca.gov/?page_id=1066. Accessed September 2019.

[11] California Office of Historic Preservation. California Register. http://www.ohp.parks.ca.gov/?page_id=21238. Accessed September 2019.

"(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1."[12]

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.

"(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

[12] CEQA Guidelines, Section 15064.5(a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process."[13]

CEQA Guidelines: Human Remains

Public Resources Code Sections 5097.94 and 5097.98 provide guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the Native American Heritage Commission:

"(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act."[14]

"(e) 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:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

[13] CEQA Guidelines, Section 15064.5(c).
[14] CEQA Guidelines, Section 15064.5(d).

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. 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

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(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.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."[15]

"(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."[16]

[15] CEQA Guidelines, Section 15064.5 (e).
[16] CEQA Guidelines, Section 15064.5(f).

CEQA Guidelines: Paleontological Resources

Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands."[17]

Tribal Consultation Requirements: SB 18 (Burton, 2004)

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.[18]

Local Policy & Regulations

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

ERM-6.1 Evaluation of Cultural and Archaeological Resources - The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

ERM-6.2 Protection of Resources with Potential State or Federal Designations - The County shall protect cultural and archaeological sites with demonstrated potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of Statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values as determined by a qualified archaeological professional.

ERM-6.3 Alteration of Sites with Identified Cultural Resources - When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted

[17] Public Resources Code Section 5097.5.
[18] Government Code §65352.3.

in these areas only after a site-specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.

ERM-6.4 Mitigation - If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.

ERM-6.8 Solicit Input from Local Native Americans - The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

IMPACT EVALUATION

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5? and;
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Project Impact Analysis: ***No Impact***

As indicated in the "*7763 Avenue 280, Phase I Project*" report (Phase I report), "The proposed batch plant project is located on the south side of Avenue 280/West Caldwell Avenue, approximately 0.65-miles west of State Highway 99, on the open flats of the San Joaquin Valley. Elevation within the project area, which is flat, is approximately 285-ft above mean sea level (amsl)."[19] "The proposed project consists of the operation of a portable concrete batch plant, a portable concrete and asphalt recycling plant, and a hot mix asphalt plant, with storage for appropriate materials for and output of each of these systems. The project location currently contains three standing structures: an existing office building, shop, and well with water tank storage above. All three of these structures will be retained and used as part of the batch plant facility."[20]

Archival Records Search

"In order to determine whether the study area had been previously surveyed for cultural resources, and/or whether any such resources were known to exist on any of them, an archival records search was conducted by the staff of the Southern San Joaquin Valley Information Center (IC) on 24 July 2018. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study

[19] *"7763 Avenue 280, Phase I Project"* report (Phase I report). Page. iii. Prepared by ASM Affiliates, Inc. and included in Appendix "C" of this DEIR.
[20] Ibid.

areas; (ii) if the project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the field project was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

According to the IC records (Confidential Appendix A) [of the Phase I report], no previous surveys have been completed within the project area and no tribal or archaeological resources are known to exist within it. One previous survey had been completed within 0.5-miles of the project area (IC# TU-534; Peak et al. 1975, Archaeological Assessment of Cultural Resources, Mid-Valley Canal Project, Fresno, Tulare, Merced and Kings Counties, California). Only a single cultural resource had been recorded within 0.5-miles of the project area: P-54-2179/CA-TUL-3053H, the Evans Ditch, located northeast of the project area.

A records search was also conducted at the Native American Heritage Commission (NAHC) Sacred Lands File (Confidential Appendix A) [of the Phase I report]. No sacred sites or tribal cultural resources were known in or in the vicinity of the APE. Outreach letters were then sent to the tribal contact list provided by the NAHC; follow-up phone calls were made one month later. No responses were received from any of the contacts"[21]

Field Methods

"An intensive Phase I survey of the 7763 Avenue 280 project area was conducted by Robert Azpitarte, B.A., ASM Associate Archaeologist, on 9 August 2018. The field methods employed included intensive pedestrian examination of the ground surface for evidence of archaeological sites in the form of artifacts, surface features (such as bedrock mortars, historical mining equipment), and archaeological indicators (e.g., organically enriched midden soil, burnt animal bone); the identification and location of any discovered sites, should they be present; tabulation and recording of surface diagnostic artifacts; site sketch mapping; preliminary evaluation of site integrity; and site recording, following the California Office of Historic Preservation Instructions for Recording Historic Resources, using DPR 523 forms. Parallel survey transects spaced at 15-m apart were employed for the inventory. These covered the entirety of the approximately 2-ac APE."[22]

Survey Results

"The 20-acres project area is open, flat land surrounded by corn fields to the east, west and south (Figure 2). The groundsurface of the project area has been heavily disturbed by previous agricultural use. A medium to low density of low ground cover, consisting primarily of intrusive grasses, was present at the time of the survey. Groundsurface visibility was however adequate for intensive surveying.

[21] Op. Cit. 17.
[22] Op. Cit. 19.

A[n] L-shaped compound containing three standing structures is present in the northwest corner of the 20-acres property (Figure 3) [of the Phase I report]. This compound is surrounded by a 6-feet high chain link fence. The structures consist of a stucco office/administration building, a large sheet-metal-sided barn/shop, and a well with water tower overhead. Based on USGS topographical quadrangles, these structures were built sometime before 1971, probably during the late 1960s. They are still in use and will be retained and used as part of the batch plant facility. A large stock-pile of broken concrete is located between the office building and water tower, presumably in anticipation of future concrete recycling at this location.

No archaeological resources of any kind were identified within the 20-acres project area."[23]

Therefore, ***No Project-specific Impact*** related to this Checklist Item would occur as a result of the Project.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (RDEIR).

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project would result in no Project-specific impact, cumulative impacts would also result in ***No Impact***.

Conclusion: ***No Impact***

The Project would result in No Project-specific and Cumulative Impacts related to Checklist Items a) and b).

c) Disturb any human remains, including those interred outside of formal cemeteries?

Project Impact Analysis: ***Less Than Significant Impact***

The proposed Project site has previously and is currently being used for agricultural purposes and no cultural resources have been encountered previously on the proposed Project site, as described in the cultural resources records search. Although it cannot conclusively be demonstrated that no subsurface human remains are present, as such, in the unlikely event that human remains are discovered, Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5 would be implemented as shown below, resulting in a ***Less Than Significant Impact***.

[23] Op. Cit.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 Update RDEIR.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. Potential impacts to this resource by the proposed Project would be reduced to ***Less Than Significant Project-specific and Cumulative Impacts***.

Actions required by law to be taken in the unlikely event that human remains are discovered:

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, 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:

1. **There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:**
    a. **The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and**
    b. **If the coroner determines the remains to be Native American:**
        i. **The coroner shall contact the Native American Heritage Commission within 24 hours.**
        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.**
        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**
2. **Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.**
    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.

b. The descendant fails to make a recommendation; or

c. The landowner or his authorized representative rejects the recommendation of the descendent.

Conclusion: ***Less Than Significant Impact***

As indicated earlier, Section 7050.5 of the California Health and Safety Code and CEQA Guidelines Section 15064.5 would be implemented in the unlikely event that human remains are discovered resulting in ***Less Than Significant Project-specific and Cumulative Impacts*** related to this Checklist Item.

ACRONYMS

CEQA	California Environmental Quality Act
CHRIS	California Historic Resources Information System
CRHR	California Register of Historical Resources
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HRI	Historic Resources Inventory
NAHC	Native American Historic Commission
NHPA	National Historic Preservation Act of 1966
OHP	California State Office of Historic Preservation
PRC	Public Resources Code
SHPO	State Historic Preservation Officers

REFERENCES

Advisory Council on Historic Preservation, https://www.achp.gov/sites/default/files/documents/2018-06/AboutTheACHPFactSheet2015v3_1.pdf. Accessed September 2019.

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California Office of Historic Preservation, About OHP, http://ohp.parks.ca.gov/?page_id=1066 . September 2019.

California Office of Historic Preservation. California Register. http://www.ohp.parks.ca.gov/?page_id=21238. Accessed September 2019.

CEQA Guidelines, Section 15064.5(a)(b)(c)(d)(e)(f)

CEQA Section 21084.1

Government Code Section 65352.3

"7763 Avenue 280, Phase I Project" report (Phase I report). Prepared by ASM Affiliates, Inc. and included in Appendix "C" of this DEIR

Tulare County General Plan 2030 Update, August 2012. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents.html.

Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR), February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents.html, then access by clicking "Recirculated DEIR".

Energy
Chapter 3.6

SUMMARY OF FINDINGS

Based on the impact analysis below, potential impacts to Energy as a result of the proposed Project are determined to be ***Less Than Significant***. The impact determinations in this chapter are based upon information obtained from the Project Description, the applicant's agent providing estimates of pertinent energy-related consumption, and State of California energy-related sources that are publically and readily available. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emission of pollutants during both the production and consumption phases. Energy usage is typically quantified using the British Thermal Unit (BTU). The BTU is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 BTUs, 1,000 BTUs, and 3,400 BTUs, respectively. Natural gas usage is expressed in therms. A therm is equal to 100,000 BTU. Energy conservation is embodied in many federal, state and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Administrative Code sets energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas. Also, as described further in this section, the Tulare County General Plan currently contains policies that promotes energy conservation and efficiency measures, energy conservation awareness, and renewable energy.

California Environmental Quality Act (CEQA) Requirements

"In 1974, the Legislature adopted the Warren-Alquist State Energy Resources Conservation and Development Act. (Pub. Resources Code, § 25000 et seq.) That act created what is now known as the California Energy Commission, and enabled it to adopt building energy standards. (See, e.g., id. at § 25402.) At that time, the Legislature found the "rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state's environmental quality." (Id. at § 25002; see also § 25007 ("It is further the policy of the state and the intent of the Legislature

to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals"))

The same year that the Legislature adopted Warren-Alquist, it also added section 21100(b)(3) to CEQA, requiring environmental impact reports to include "measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." As explained by a court shortly after it was enacted, the "energy mitigation amendment is substantive and not procedural in nature and was enacted for the purpose of requiring the lead agencies to focus upon the energy problem in the preparation of the final EIR." (People v. County of Kern (1976) 62 Cal.App.3d 761, 774 (emphasis added)). It compels an affirmative investigation of the project's potential energy use and feasible ways to reduce that use.

Though Appendix F of the CEQA Guidelines has contained guidance on energy analysis for decades, implementation among lead agencies has not been consistent. (See, e.g., California Clean Energy Committee v. City of Woodland, supra, 225 Cal.App.4th 173, 209.) While California is a leader in energy conservation, the importance of addressing energy impacts has not diminished since 1974. On the contrary, given the need to avoid the effects of climate change, energy use is an issue that we cannot afford to ignore. As the California Energy Commission's Integrated Energy Policy Report (2016) explains:

> Energy fuels the economy, but it is also the biggest source of greenhouse gas emissions that lead to climate change. Despite California's leadership, Californians are experiencing the impacts of climate change including higher temperatures, prolonged drought, and more wildfires. There is an urgent need to reduce greenhouse gas emissions and increase the state's resiliency to climate change. With transportation accounting for about 37 percent of California's greenhouse gas emissions in 2014, transforming California's transportation system away from gasoline to zero emission and near-zero-emission vehicles is a fundamental part of the state's efforts to meet its climate goals. Energy efficiency and demand response are also key components of the state's strategy to reduce greenhouse gas emissions. (Id. at pp. 5, 8, 10.) Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. OPR today proposes to add a subdivision in section 15126.2 on energy impacts to further elevate the issue, and remove any question about whether such an analysis is required."[1]

Further, an "Explanation of Proposed Amendments" contained in the Proposed Update (and now adopted amendments) to the CEQA Guidelines documents stated that OPR proposed to add a new subdivision (b) to section 15126.2 which discusses the required contents of an environmental impact report. The new subdivision would specifically address the analysis of a project's potential energy impacts. This addition is necessary for several reasons explained as follows. [2]

[1] State of California. Office of Planning and Research. Proposed Update to the CEQA Guidelines/ November 2017. Pages 65-66. Accessed June 2019 at: http://opr.ca.gov/docs/20171127_Comprehensive_CEQA_Guidelines_Package_Nov_2017.pdf

[2] Ibid. 66.

"The first sentence clarifies that an EIR must analyze whether a project will result in significant environmental effects due to "wasteful, inefficient, or unnecessary consumption of energy." This clarification is necessary to implement Public Resources Code section 21100(b)(3). Since the duty to impose mitigation measures arises when a lead agency determines that the project may have a significant effect, section 21100(b)(3) necessarily requires both analysis and a determination of significance in addition to energy efficiency measures. (Pub. Resources Code, § 21002.)

The second sentence further clarifies that all aspects of the project must be considered in the analysis. This clarification is consistent with the rule that lead agencies must consider the "whole of the project" in considering impacts. It is also necessary to ensure that lead agencies consider issues beyond just building design. (See, e.g., California Clean Energy Com. v. City of Woodland, supra, 225 Cal.App.4th at pp. 210-212.) The analysis of vehicle miles traveled provided in proposed section 15064.3 (implementing Public Resources Code section 21099 (SB 743)) on transportation impacts may be relevant to this analysis.

The third sentence signals that the analysis of energy impacts may need to extend beyond building code compliance. (Ibid.) The requirement to determine whether a project's use of energy is "wasteful, inefficient, and unnecessary" compels consideration of the project in its context. (Pub. Resources Code, § 21100(b)(3).) While building code compliance is a relevant factor, the generalized rules in the building code will not necessarily indicate whether a particular project's energy use could be improved. (Tracy First v. City of Tracy (2009) 177 Cal.App.4th 912, 933 (after analysis, lead agency concludes that project proposed to be at least 25% more energy efficient than the building code requires would have a less than significant impact); see also CEQA Guidelines, Appendix F, § II.C.4 (describing building code compliance as one of several different considerations in determining the significance of a project's energy impacts).) That the Legislature added the energy analysis requirement in CEQA at the same time that it created an Energy Commission authorized to impose building energy standards indicates that compliance with the building code is a necessary but not exclusive means of satisfying CEQA's independent requirement to analyze energy impacts broadly.

The new proposed [now adopted] subdivision (b) also provides a cross-reference to Appendix F. This cross-reference is necessary to direct lead agencies to the more detailed provisions contained in that appendix. Finally, new proposed [now adopted] subdivision (b) cautions that the analysis of energy impacts is subject to the rule of reason, and must focus on energy demand actually caused by the project. This sentence is necessary to place reasonable limits on the analysis. Specifically, it signals that a full "lifecycle" analysis that would account for energy used in building materials and consumer products will generally not be required. (See also Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines

Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (Dec. 2009) at pp. 71-72.)"[3]

Specifically, Section 15121.6 added new sub-section (b), to wit: "(b) Energy Impacts. If the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy, the EIR shall analyze and mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. (Guidance on information that may be included in such an analysis is presented in Appendix F.) This analysis is subject to the rule of reason and shall focus on energy demand that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions or utilities in the discretion of the lead agency."[4]

CEQA Thresholds of Significance

- Result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy.
- The project's energy use for all project phases and components, including transportation-related energy, during construction and operation.
- The project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.
- Analysis is subject to the rule of reason and shall focus on energy demand that is caused by the project.

ENVIRONMENTAL SETTING

Natural Gas and Electric Service

"Southern California Edison provides electric service to the majority of Tulare County, including the majority of the San Joaquin Valley and the foothills. Natural gas service is primarily provided by The Gas Company (formerly Southern California Gas Company). Pacific Gas & Electric also serves northern Tulare County's electric needs on limited basis. The electrical facilities network includes both overhead and underground lines, with new development required to install underground service lines. All utility providers indicate that additional service should be available to new development, depending on the necessary load of the services requested."[5]

[3] Op. Cit. 66-67.

[4] Op. Cit. 67-68.

[5] Tulare County General Plan 2030 Update Recirculated Draft EIR. 3.4 Energy and Global Climate Change. February 2010. Page 3.4-13 Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf

Existing Energy Consumption

Electrical and natural gas services for the Project area are provided by Southern California Edison (SCE), and Southern California Gas Company (SoCal Gas), respectively. In 2018, SCE provided 4,422.976762 gigawatt-hours (GWh) of electricity to Tulare County customers.[6] Also in 2016, SoCal Gas provided a total of 157.285390 million therms in Tulare County[7] See **Table 3.6-1**.

Table 3.6-1
2018 County and State Energy Demands on Energy Providers
Southern California Gas and Southern California Edison[8][9]

Demand by:	Electricity (in MWh)	Gas (in Therms)
Tulare County	[1]4,433,976.762	[2]157,285,390
SCE and SCG Service Areas	[1]83,399,988.199	[2]5,156,078,935

Notes: 1 Converted to MWh as CEC Energy Reports expresses in Millions of kWh (GWh).
2 Converted to MWh as CEC Energy Reports expresses in Millions of Therms.

It is noted that the Project site anticipates being served by electricity from SCE, but will rely on liquid propane gas (LPG) as the fuel source to heat the oil which will be mixed with the asphalt. As such, SoCal Gas will not be utilized or impacted.

REGULATORY SETTING

Federal Agencies & Regulations

Energy Policy Act of 2005

The Energy Policy Act of 2005 seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can obtain federal tax credits for purchasing fuel efficient appliances and products, including buying hybrid vehicles, building energy-efficient buildings, and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary microturbine power plants, and solar power equipment.

State Agencies & Regulations

California Energy Commission

The California Energy Commission (CEC) was created in 1974 to serve as the state's primary energy policy and planning agency. The CEC is tasked with reducing energy costs and

[6] California Energy Commission. California Energy Consumption Database. Electricity Consumption by County. Energy reports accessed August 2019 at: http://ecdms.energy.ca.gov/elecbycounty.aspx.
[7] Ibid. Gas Consumption by County. Accessed August 2019 at: http://ecdms.energy.ca.gov/gasbycounty.aspx.
[8] Op. Cit. Accessed August 2019 at: http://ecdms.energy.ca.gov/elecbycounty.aspx
[9] Op. Cit. Accessed August 2019 at: http://ecdms.energy.ca.gov/elecbyplan.aspx

environmental impacts of energy use - such as greenhouse gas emissions - while ensuring a safe, resilient, and reliable supply of energy.

California 2008 Energy Action Plan Update[10]

The 2008 update to the 2005 Energy Action Plan II is the State's principal energy planning and policy document (State of California 2008). The updated document examines the state's ongoing actions in the context of global climate change. The 2005 Energy Action Plan II continues the goals of the original 2003 Energy Action Plan, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan, the first-priority actions to address California's increasing energy demands are energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods to address system reliability and support the best use of energy infrastructure). Additional priorities include the use of renewable sources of power and distributed generation (i.e., the use of relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy the increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The California 2008 Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change.

State of California Integrated Energy Policy (SB 1389)

State of California Integrated Energy Policy (SB 1389) In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for Zero Emission Vehicles and their infrastructure needs, and encouragement of urban designs that reduce vehicles miles traveled and accommodate pedestrian and bicycle access.

The CEC adopted the 2013 Integrated Energy Policy Report on February 20, 2014. The 2013 Integrated Energy Policy Report provides the results of the CEC's assessment of a variety of issues, including:

- Ensuring that the state has sufficient, reliable, and sage energy infrastructure to meet current and future energy demands;

[10] California Energy Commission. 2008 Energy Action Plan. February 2008. Accessed August 2019 at: https://ww2.energy.ca.gov/2008publications/CEC-100-2008-001/CEC-100-2008-001.PDF

- Monitoring publicly-owned utilities' progress towards achieving 10-year energy efficiency targets; defining and including zero-net-energy goals in state building standards;
- Overcoming challenges to increased use of geothermal heat pump/ground loop technologies and procurement of biomethane;
- Using demand response to meet California's energy needs and integrate renewable
- technologies;
- Removing barriers to bioenergy development; planning for California's electricity infrastructure needs given potential retirement of power plants and the closure of the San Onofre Nuclear Generating Station;
- Estimating new generation costs for utility-scale renewable and fossil-fueled generation;
- Planning for new or upgraded transmission infrastructure;
- Monitoring utilities' progress in implementing past recommendations related to nuclear power plants;
- Tracking natural gas market trends;
- Implementing the Alternative and Renewable Fuel and Vehicle Technology Program; and,
- Addressing the vulnerability of California's energy supply and demand infrastructure to the effects of climate change; and planning for potential electricity system needs in 2030.

California Senate Bill 1037 and Assembly Bill 2021

In 2003, the CPUC and CEC adopted an Energy Action Plan that prioritized resources for meeting California's future energy needs, with energy efficiency identified as the highest priority. Since then, this policy goal has been codified as SB 1037 and AB 2021 into statute through legislation that requires electric utilities to meet their resource needs first with energy efficiency.[11] This policy also set new targets for statewide annual energy demand reductions of 32,000 GWh and 800 million therms from business-as-usual[12]—enough to power more than 5 million homes or replace the need to build about ten new large power plants (500 MW each). These targets represent a higher goal than existing efficiency targets established by CPUC for investor-owned utilities due to the inclusion of innovative strategies. Achieving the State's energy efficiency targets will require coordinated efforts from the State, the federal government, energy companies, and customers. The California Air Resources Board (ARB) will work with CEC and CPUC to facilitate these partnerships. California's energy efficiency programs for buildings and appliances have generated more than $50 billion in savings over the past three decades.

[11] SB 1037 (Kehoe, Chapter 366, Statutes of 2005) and AB 2021 (Levine, Chapter 734, Statutes of 2006) directed electricity corporations subject to CPUC's authority and publicly-owned electricity utilities to first meet their unmet resource needs through all available energy efficiency and demand response resources that are cost-effective, reliable, and feasible.

[12] The savings targeted here are additional to savings currently assumed to be incorporated in CEC's 2007 demand forecasts. However, CEC has initiated a public process to better determine the quantity of energy savings from standards, utility programs, and market effects that are embedded in the baseline demand forecast.

California Global Warming Solutions Act of 2006 (Assembly Bill 32)

California Global Warming Solutions Act of 2006 (Assembly Bill 32) Assembly Bill 32 (Health and Safety Code Sections 38500–38599; AB 32), also known as the California Global Warming Solutions Act of 2006, commits the state to achieving year 2000 GHG emission levels by 2010 and year 1990 levels by 2020. To achieve these goals, AB 32 tasked the California Public Utilities Commission and CEC with providing information, analysis, and recommendations to the California Air Resources Board regarding ways to reduce GHG emissions in the electricity and natural gas utility sectors.

California Energy Code (Title 24, Part 6, Building Energy Efficiency Standards)

California Code of Regulations Title 24, Part 6 comprises the California Energy Code, which was adopted to ensure that building construction, system design and installation achieve energy efficiency. The California Energy Code was first established in 1978 by the CEC in response to a legislative mandate to reduce California's energy consumption, and apply to energy consumed for heating, cooling, ventilation, water heating, and lighting in new residential and non-residential buildings. The standards are updated periodically to increase the baseline energy efficiency requirements. The 2013 Building Energy Efficiency Standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements to enable both demand reductions during critical peak periods and future solar electric and thermal system installations. Although it was not originally intended to reduce greenhouse gas (GHG) emissions, electricity production by fossil fuels results in GHG emissions and energy efficient buildings require less electricity. Therefore, increased energy efficiency results in decreased GHG emissions.

California Green Building Standards Code (Title 24, Part II, CALGreen)

The California Building Standards Commission adopted the California Green Buildings Standards Code (CALGreen in Part 11 of the Title 24 Building Standards Code) for all new construction statewide on July 17, 2008. Originally a volunteer measure, the code became mandatory in 2010 and the most recent update (2013) went into effect on January 1, 2014. CALGreen sets targets for energy efficiency, water consumption, dual plumbing systems for potable and recyclable water, diversion of construction waste from landfills, and use of environmentally sensitive materials in construction and design, including eco-friendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels. The 2013 CALGreen Code includes mandatory measures for non-residential development related to site development; water use; weather resistance and moisture management; construction waste reduction, disposal, and recycling; building maintenance and operation; pollutant control; indoor air quality; environmental comfort; and outdoor air quality. Mandatory measures for residential development pertain to green building; planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; environmental quality; and installer and special inspector qualifications.

Clean Energy and Pollution Reduction Act (SB 350)

The Clean Energy and Pollution Reduction Act (SB 350) was passed by California Governor Brown on October 7, 2015, and establishes new clean energy, clean air, and greenhouse gas reduction goals for the year 2030 and beyond. SB 350 establishes a greenhouse gas reduction target of 40 percent below 1990 levels for the State of California, further enhancing the ability for the state to meet the goal of reducing greenhouse gas emissions by 80 percent below 1990 levels by the year 2050.

Renewable Portfolio Standard (SB 1078 and SB 107)

Established in 2002 under SB 1078, the State's Renewables Portfolio Standard (RPS) was amended under SB 107 to require accelerated energy reduction goals by requiring that by the year 2010, 20 percent of electricity sales in the state be served by renewable energy resources. In years following its adoption, Executive Order S-14-08 was signed, requiring electricity retail sellers to provide 33 percent of their service loads with renewable energy by the year 2020. In 2011, SB X1-2 was signed, aligning the RPS target with the 33 percent requirement by the year 2020. This new RPS applied to all state electricity retailers, including publicly owned utilities, investor-owned utilities, electrical service providers, and community choice aggregators. All entities included under the RPS were required to adopted the RPS 20 percent by year 2020 reduction goal by the end of 2013, adopt a reduction goal of 25 percent by the end of 2016, and meet the 33 percent reduction goal by the end of 2020. In addition, the Air Resources Board, under Executive Order S-21-09, was required to adopt regulations consistent with these 33 percent renewable energy targets.

Local Policy & Regulations

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed as follows:

ERM-4.1 Energy Conservation and Efficiency Measures - The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.

ERM-4.3 Local and State Programs - The County shall participate, to the extent feasible, in local and State programs that strive to reduce the consumption of natural or man-made energy sources.

ERM-4.4 Promote Energy Conservation Awareness - The County should coordinate with local utility providers to provide public education on energy conservation programs

ERM-4.6 Renewable Energy - The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind and solar, biofuels and co-generation.

PROJECT SPECIFIC ENERGY USAGE

Electricity and Natural Gas

Implementation of the proposed Project would result in the commitment of additional electricity through operation of the Project. Instead of natural gas, the Project will rely on liquefied propane gas delivered to the site on an as needed basis. The applicant's agent has indicated that operation of the proposed Project is estimated to result in the demand of 7,000 megawatt-hours per year (MWh/yr) of electricity (or about 0.0022% of Tulare County's non-residential demand (see **Table 3.6-2**) and 403,000 therms per year (therms/yr) of liquefied propane gas (stored on site) rather than utilizing natural gas from the nearest provider (SoCal Gas). However, in the event the Applicant determines that it is in its best interest, **Table 3.6-2** includes hypothetical natural gas demand. As shown in **Table 3.6-2**, the Project's hypothetical natural gas demand would represent 0.0025 percent of Tulare County's and 0.000078 percent of SoCal Gas' total 2018 gas demands for the County

Table 3.6-2
Project Electricity and Natural Gas Demands

	Natural Gas Demand (therms/yr)	Electricity Demand (MWh/yr)
Proposed Project (Asphalt/Concrete Batch Plant)[1]	403,000[2]	7,000
Tulare County Average (Non-Residential)	104,870,971	3,164,001
Statewide Average (Non-Residential)	8,411,593,081	194,014,563

1 Provided by applicant's agent.
2 Hypothetical as the Project will utilize compressed natural gas delivered to the site as needed.

Construction Fuel Consumption

As construction-related activities will be one-time, short-duration, and temporary in nature; gasoline and diesel fuel have not been estimated. Typical construction equipment usage will not occur for this Project as there will be minimal land shaping as the site is flat (as such, grading will be kept to a minimum), no new construction will occur as the existing structure will be converted into office space, truck parking areas will require minimal grading and will consists of new and decomposed gravel, a small parking area to accommodate 10-20 employee vehicles will be paved near the office, storage pile areas will not require any land-shaping, and construction of an appropriately sized engineered storm water basin. The asphalt and concrete batch plants (powered by electricity) will be assembled rather than constructed; a portable crusher will be brought on site as needed (approximately 5-10 times per year, it operates on Tier 4 diesel engines.

Operational Vehicle Fuel Consumption

Operation of the Project would result in the daily consumption of vehicle fuel as haulers would travel to and from the Project site as they would contribute approximately 92.7% of all trips; employees are anticipated to contribute 7.3% of all trips. In order to estimate fuel consumption, it is necessary to estimate vehicle type(s), daily distance(s) travelled (in vehicle miles travelled (VMT)), and average fuel economy by vehicle type(s). According to the Tulare County Association of Governments (TCAG), all of Tulare County averaged 10,650,825 million VMT/day.[13] Based on this estimate, adding the Project's VMT (12,948) to the figure provided by TCAG would result in a contribution of approximately 0.0012% of all daily VMT in Tulare County. TCAG also provided an estimated County-wide daily VMT for a broad range of heavy-duty vehicles at 3,127,189; as such, adding the Project's heavy-duty truck VMT to this figure would result in a contribution of approximately 0.0041% of heavy-duty truck VMT.

As provided in **Table 3.6-3**, Project operation is anticipated to result in the generation of an additional 3,237,040 VMT annually, or approximately 0.00087 percent of the County's annual VMT (based on 2017 figures). Using vehicle fleet mix data provided by the applicant and average fuel economy information provided by the Bureau of Transportation Statistics, the Project-generated annual VMT would result in the consumption of approximately 9,860 gallons of gasoline fuel per year and 570,754 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand.[14]

Table 3.6-3
Vehicle Miles Traveled[15,16]

	Population	Total Annual VMT	Daily VMT	
			250 Days/Yr.	365 Days/Yr.
State	39,523,613	334,700,000,000	1,338,800,000	916,986,301
Tulare County	471,686	3,686,282,000	14,745,128	10,099,403
Proposed Project [2]	N/A	3,237,040	12,948	8,869[a]

[a] *For illustrative and informational purposes only as the Project will not operate 365/yr.*

Table 3.6-4 shows the number of vehicles, VMT, and fuel consumption from the proposed Project. The Project is a non-residential development and is intended to provide services for construction-related materials (i.e., asphalt, cement, and recycled asphalt/concrete) within and without the Project area. Given the nature of the Project (i.e., predominantly manufacturing of asphalt and concrete), VMT has been generalized for likely market areas (expressed in round-trip distances) within 30 miles (local), 68 miles to/from Porterville, 36 miles to the Fresno County line, and 74 miles to the Kern County line. As it is impossible to identify specific destinations of

[13] Tulare County Association of Government. E-mail received from Roberto Brady, Principal Regional Planner. August 6, 2019.

[14] California Energy Commission Weekly Fuels Watch Report 2017 Weekly Fuels Watch Accessed August 2019 at: https://ww2.energy.ca.gov/almanac/petroleum_data/fuels_watch/index_cms.html

[15] Caltrans. 2016. California Transportation Quick Facts. http://www.caltrans.ca.gov/drisi/library/qfco/tul/tul2017.pdf. Accessed August 2019.

[16] Caltrans. 2017. Tulare County Transportation Quick Facts. http://www.caltrans.ca.gov/drisi/library/qfco/tul/tul2017.pdf. Accessed August 2019.

delivery to a project site requiring the material(s) provided by the Project, a reasonable assumption is to generalize likely distances. For instance, the 30-mile assumption would cover every city within Tulare County, and the cities of Hanford and Corcoran in Kings County. The distances to the Fresno and Kern County lines are assumed as destination end-points as it would be speculative to identify specific destinations within the respective counties. It is noted that the *2013 San Joaquin Valley Model Improvement Freight Forecasting Models* ((Forecasting Models) at *Table 32 Tulare County Truck Trips and Lengths by Types*) indicates that medium trucks averaged 12.6 miles per trip and heavy duty trucks averaged 65.8 miles per trip.[17] Using the 12.6 miles average for medium trucks, and converting the distance to round-trips would result in 25.2 round-trip miles which is 5 miles less than the distance used in **Table 3.6-6**. For heavy-duty trucks, a round-trip to the Kern county line would be approximately 74 miles, which is only 8.2 miles longer than the average heavy-duty truck one-way trip noted in the Forecasting Models. However, the center of Bakersfield is approximately 69 miles, which is only 4.2 miles greater than the Forecasting Models' heavy-duty one-way distance for trucks. Of all VMT noted in **Table 3.6-6**, approximately 83.5% of the Project's VMT is from heavy-duty trucks. Further, according to the Forecasting Models document, Tulare County's heavy-duty truck travel distances are nearly twice that of Madera and Kings Counties, 50% greater than Merced, Stanislaus, and San Joaquin Counties, but is approximately 50% of Fresno and Kern Counties. As such, the Project is generally in the "middle ground" when compared to other San Joaquin Valley counties regarding VMT for heavy-duty trucks as shown in **Table 3.6-5**.

Table 3.6-4
Annual Estimated Operational Vehicle Fuel Consumption[18]

Vehicle Type	Project's Annual Number and Percent of Vehicle Trips[1]		National Average Fuel Economy (miles/gallon)[7]	National Annual Average Fuel Consumption (gallons)[9]
Car[1]	9,360	12.67%	23.96	480
Light-Duty Vehicle[2]	500	0.06%	22.04	524
Light Truck/Van[3]	500	0.06%	17.40	683
Delivery Truck[4]	1,250	1.69%	6.64	1,974
Heavy Duty Trucks[5]	61,664	83.49%	5.29	12,889
Other Trucks[6]	578	0.076%	N/A	N/A
Total	**73,852**	**100%**	**N/A**	**N/A**

[1] Employee Automobile as described in the TIS; [2]Outside Services as described in the TIS; [3]Other Materials/Services as described in the TIS; [4]Recycled Material as described in the TIS; [5]All 4- and 5-axle Trucks (including Ready Mix Concrete Trucks) as described in the TIS; [6]Oil Delivery, Propane Delivery, and diesel Fuel Delivery Trucks as described in the TIS; [7]Average fuel economy based on average 2016 U.S. vehicle fuel efficiency (mpg) from Table 4-11: Light Duty Vehicle, Short Wheel Base and Motorcycle Fuel Consumption and Travel; Table 4-12: Average Light Duty Vehicle, Long Wheel Base Fuel Consumption and Travel, and Table 4-13: Single-Unit 2-Axle 6-Tire or More Truck Fuel Consumption and Travel of the National Transportation Statistics.

[17] San Joaquin Valley Model Improvement Program Freight Forecasting Models Table 32. Page 32. 2013. Prepared for the eight Regional Transportation Planning Agencies by Resource Systems Group, Inc. Accessed at: https://rsginc.com/files/publications/SJV%20freight%20forecasting%20models%20documenation.pdf

[18] U.S. Department of Energy. Alternative Fuels Date Center. Average Fuel Economy of Major Vehicle Categories https://afdc.energy.gov/data/10310

Table 3.6-5 One-Way Distances Travelled by Heavy-Duty Trucks in San Joaquin Valley Counties	
County	**Miles**
Fresno	121.5
Kern	124.0
Kings	30.9
Madera	30.9
Merced/Stanislaus/San Joaquin	41.1
Tulare	65.8
Source: San Joaquin Valley Model Improvement Program Freight Forecasting Models Tables 19. 24, 26, 29, and 32.	

The annual VMT for all vehicles types resulting from the Project are estimated at 3,510,522 (or approximately 14,042.08 per day based on 250 working days) resulting in an estimated annual fuel consumption of 14,243gallons of gasoline and 592,283 gallons of diesel. See **Table 3.6-6**.

Table 3.6-6
Estimated Operational Vehicle Fuel Consumption[19]

Vehicle Type	Distances in Round-trip miles	Number of Vehicles	Annual VMT[7]	National Avg. Fuel Economy (miles/gallon)[8]	Estimated Annual Fuel Consumption (gallons)[9]
Car[1]	Travel w/i 30 mi.[a]	7,956	238,680	23.96	9,962[10]
	68 miles to/from Porterville[b]	1,404[c]	42,120		1,758[0]
Light-Duty Vehicle[2]	Travel w/i 30 mi.[a]	425[c]	12,750	22.04	578[10]
	68 miles to/from Porterville [b]	75[c]	5,100		231[10]
Light Truck / Van[3]	Travel w/i 30 mi.[a]	150[d]	4,500	17.40	608[10]
	36 miles to Fresno Co. line	175[d]	6,300		362[10]
	74 miles to Kern Co. line	175[d]	12,950		744[10]
Delivery Truck[4]	Travel w/i 30 mi.[a]	375[d]	11,250	6.64	1,694[11]
	36 miles to Fresno Co. line	437.5[d]	15,750		2,372[11]
	74 miles to Kern Co. line	437.5[d]	32,375		4,876[11]
Heavy Duty Trucks[5]	Travel w/i 30 mi.[a]	19,174[d]	575,220	5.29	108,737[11]
	36 miles to Fresno Co. line	22,370[d]	805,320		152,234[11]
	74 miles to Kern Co. line	22,370[d]	1,655,380		312,926[11]
Other Trucks[6]	Travel w/i 30 mi.[a]	315[d]	9,480	5.29	1,792[11]
	36 miles to Fresno Co. line	368[d]	13,248		2,504[11]
	74 miles to Kern Co. line	368[d]	27,232		5,148[11]
Total	Car and Light Truck travel w/i 30 mi.	8,381	251,430	23.96	10,494[10]
	Car and Light Duty Vehicle travel to/from Porterville (68 mi.)	1,479	100,572		4,197[10]

[19] U.S. Department of Energy. Alternative Fuels Date Center. Average Fuel Economy of Major Vehicle Categories https://afdc.energy.gov/data/10310

Table 3.6-6
Estimated Operational Vehicle Fuel Consumption[19]

Vehicle Type	Distances in Round-trip miles	Number of Vehicles	Annual VMT[7]	National Avg. Fuel Economy (miles/gallon)[8]	Estimated Annual Fuel Consumption (gallons)[9]	
					Gasoline	*Diesel*
	All Travel w/i 30 mi.[a]	28,395	851,850		11,148	112,223
	Travel to/from Porterville (68 mi.)[7]	1,479	100,572		1,989	N/A
	36 miles to Fresno Co.	23,350	840,600		362	157,110
	74 miles to Kern Co.	23,250	1,720,500		744	322,950
GRAND TOTAL[12]	**ALL TRAVEL**	**76,574**	**3,510,522**	**N/A**	**14,243**	**592,283**

[a] Cities within approximately 15 miles include all cities in Tulare County, and Hanford and Corcoran in Kings County; [b]Porterville is approximately 34 miles east/southeast of the Project location; [c]85% of population within Project site, 12.7% of population in Porterville. 2.3 % in foothills/mountain areas; [d] TIS distributes vehicles as 35% north on SR 99, 35% south on SR 99, 20 % east of SR 99, and 10 west of SR 995.

[1] Employee Automobile as described in the TIS; [2]Outside Services as described in the TIS; [3]Other Materials/Services as described in the TIS; [4]Recycled Material as described in the TIS; [5]All 4- and 5-axle Trucks (including Ready Mix Concrete Trucks) as described in the TIS; [6]Oil Delivery, Propane Delivery, and diesel Fuel Delivery Trucks as described in the TIS; [7]Only includes cars and light duty vehicles as it is uncertain how many other vehicle types would travel to/from Porterville. VMT is estimated by multiplying Distances X *Vehicles resulting in miles (e.g., 30 miles* X *150 vehicles = 4,500 vehicle miles travelled); Average fuel economy based on average 2016 U.S. vehicle fuel efficiency (mpg) from Table 4-11: Light Duty Vehicle, Short Wheel Base and Motorcycle Fuel Consumption and Travel; Table 4-12: Average Light Duty Vehicle, Long Wheel Base Fuel Consumption and Travel, and Table 4-13: Single-Unit 2-Axle 6-Tire or More Truck Fuel Consumption and Travel of the National Transportation Statistics; [9]VMT divided by National Average Fuel Economy; [10]Assumes gasoline as fuel; [11]Assumes diesel as fuel; [12]Grand Totals are not necessarily tabular in the column where it is shown.*

CEQA REQUIREMENTS AND ENERGY CONSERVATION STANDARDS

In addition to the recommended thresholds for environmental analysis provided in Appendix G of the CEQA Guidelines, Appendix F requires that an EIR disclose and discuss the potential impacts of a project on energy resources and conservation. An EIR's discussion of impacts on energy resources should provide analysis and discussion of the project's potential to result in the wasteful, inefficient, or irretrievable commitment of energy resources, with particular attention towards electrical, natural gas, and transportation fuel supplies. While no specific thresholds are provided by the CEQA Guidelines, Appendix F offers several recommendations for inclusion in an analysis of impacts on energy resources to determine whether a project would:

a. Use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner;
b. Constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of which could cause significant environmental effects; or
c. Conflict with existing energy standards, including standards for energy conservation.

Operation of the proposed Project would result in the demand for approximately 7,000 MWh/year of electricity, 403,000 therms/year of natural gas, 9,860 gallons/year of gasoline as vehicle fuel, and 570,754 gallons/year of diesel as vehicle fuel. The most recent energy demands reports are for 2018. Based on 2018 energy demands and capacity of service providers (in this case, Southern California Edison (SCE) and Southern California Gas (SoCal Gas)) for the Project area, estimated operational demand for electricity and natural gas as part of the Project would represents approximately 0.0015 percent of Tulare County's and 0.000083 percent of

SCE's total 2018 electricity demands. The Project would represent 0.0025 percent of Tulare County's and 0.000078 percent of SoCal Gas' total 2018 gas demands for the County. Further, as noted earlier, the Project would consume 9,860 gallons of gasoline fuel per year and 570,754 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand.

As shown earlier in **Table 3.6-1**, based on comparisons of the Project's energy demands with Tulare County's and SCE and SoCal Gas Service Areas demand and service capacity in total, the proposed Project is not expected to result in the use of a large amount of fuel or energy in an unnecessary, wasteful, or inefficient manner, nor would it affect regional supplies or peak/base periods of demand as the estimated energy demand is typical for a Project of this size, and would result in a negligible increase in regional energy demands. As such, the proposed Project would not necessitate the expansion of existing facilities or construction of new energy generation or transmission facilities beyond the onsite facilities proposed as part of the Project to serve the new development.

Benefits of the Project include greater conservation of electricity, natural gas, and transportation fuel through the implementation of proposed Project's asphalt and concrete recycling component. As indicated by the U.S. Department of Transportation, "Transportation vehicles and infrastructure are major sources of solid waste that can be recycled, combusted, or placed in landfills. The Asphalt Industry Association estimates that 182 million tons of used asphalt were removed from U.S. roads in 2017, of which 80 million tons were recycled as paving material, while the remaining 102 million tons were stockpiled for future recycling [Williams et al. 2018]. Recycled asphalt pavement as a percent of asphalt used to pave U.S. roads increased from 15 percent in 2009 to 20 percent in 2017. In addition, 1.4 million tons of asphalt shingle waste were recycled in hot and warm-mix asphalt mixtures."[20]

IMPACT EVALUATION

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Project Impact Analysis: ***Less Than Significant Impact***

As noted earlier, construction-related activities will be one-time, short-duration (approximately 90 weekday days), and temporary in nature; therefore, gasoline and diesel fuel use during construction-related activities have not been estimated. Typical construction equipment usage will not occur for this Project as there will be minimal land shaping as the site is flat (as such, grading will be kept to a minimum), no new construction will occur as

[20] U.S. Department of Transportation, Office of the Secretary of Transportation, Bureau of Transportation Statistics, *Transportation Statistics Annual Report*. Page 7-20. Accessed in August 2019 at: https://www.bts.gov/sites/bts.dot.gov/files/docs/browse-statistical-products-and-data/transportation-statistics-annual-reports/TSAR-Full-2018-Web-Final.pdf.

the existing structure will be converted into office space, truck parking areas will require minimal grading and will consists of new and decomposed gravel, a small parking area to accommodate 10-20 employee vehicles will be paved near the office, storage pile areas will not require any land-shaping, and construction of an appropriately sized engineered storm water basin. The asphalt and concrete batch plants (powered by electricity) will be assembled rather than constructed; a portable crusher will be brought on site as needed (approximately 5-10 times per year, operates on diesel fuel). Therefore, construction-related energy use will result in a ***Less Than Significant Impact***.

Operation of the proposed Project would result in the demand for approximately 7,000 MWh/yr. of electricity; 9,860 gallons of gasoline fuel per year; and 570,754 gallons of diesel fuel per year. Based on existing energy demands and capacity of service providers, estimated operational demand for electricity as part of the Project would represent 0.0015 percent of Tulare County's and 0.000083 percent of SCE's total 2018 electricity demands. As noted earlier, the Project will use liquid propane gas as its gas source. However, if the Project were to receive natural gas from the nearest provider (SoCal Gas) its estimated 403,000 therms/yr. of natural gas would account for 0.0025 percent of Tulare County's and 0.000078 percent of SoCal Gas' total 2018 gas demands for its natural gas service area.

Lastly, also as noted earlier, of all VMT noted in **Table 3.6-6**, approximately 87.5% of the Project's VMT is from heavy-duty trucks. Further, according to the Forecasting Models document, Tulare County's heavy-duty truck travel distances are nearly twice that of Madera and Kings Counties, 50% greater than Merced, Stanislaus, and San Joaquin Counties, but is approximately 50% less than Fresno and Kern Counties. As such, the Project, is generally in the "middle ground" when compared to other San Joaquin Valley counties regarding VMT for heavy-duty trucks as shown in **Table 3.6-5**. As such, based on VMT, the Project would consume 9,860 gallons of gasoline fuel per year and 570,754 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand. The Project would provide a source of building materials (in this case asphalt and concrete) that are vital to construction-related activities. Its relatively central location in the San Joaquin Valley, proximity to SRs 99 and 198 (and connectivity to other local and regional transportation corridors), its less than 1% use of electricity energy demand from SCE, its potential to use less than 1% of natural gas demand from SoCal Gas, its less than 1% use of gasoline and diesel fuels of the entire State's supply, and recycling of asphalt and concrete demonstrate that the Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation is necessary; nor will it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As such, the Project would result in a ***Less Than Significant Impact*** to these resources.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County, the 8-County area of the San Joaquin Valley, and the Southern California Edison and Southern California Gas companies' service areas. The proposed Project would incrementally contribute to adverse

impacts on energy resource demand and conservation when considering the cumulative impact of concurrently planned projects; however, like the proposed Project, discretionary actions requiring agency approval are required to comply with local, regional, state, and federal policies designed to reduce wasteful energy consumption, and improve overall energy conservation and sustainability. Therefore, it is not anticipated that the Project's contribution to cumulative impacts generated with projects provided in Chapter 4 Summary of Cumulative Impacts would result in a significantly considerable wasteful use of energy resources, such that the Project, and other cumulative projects, would have a cumulative effect on energy conservation. Cumulative impacts as of a result of the Project would be ***Less Than Significant.***

Mitigation: ***None Required***

Conclusion: ***Less Than Significant Impact***

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Project Impact Analysis: ***Less Than Significant Impact***

See Item a), above.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County, the 8-County area of the San Joaquin Valley, and the Southern California Edison and Southern California Gas companies' service areas.

Mitigation: ***None Required***

See Item a), above.

Conclusion: ***Less Than Significant Impact***

See Item a), above.

DEFINITIONS

British Thermal Unit	British Thermal Unit (BTU) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWhr) of electricity are 123,000 BTUs, 1,000 BTUs, and 3,400 BTUs, respectively. Natural gas usage is expressed in therms. A therm is equal to 100,000 BTU.

ACRONYMS

AB	Assembly Bill (State of California Assembly)
CARB or ARB	California Air Resources Board
BTU	British Thermal Unit
CALGreen	California Green Buildings Standards Code
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
GHG	Greenhouse gas
GWh	Gigawatt hour
kWh	Kilowatt hour
OPR	Office of Planning and Research
MWh	Megawatt hour
N/A	Not Applicable
SB	Senate Bill (State of California Senate)
SCE	Southern California Edison Company
SoCal Gas	Southern California Gas Company
U.S. DOT	United States Department of Transportation
VMT	Vehicle Miles Travelled
w/i	within

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Geology and Soils
Chapter 3.7

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impacts*** related to Geology and Soils, through project design features and implementation of Mitigation Measures. The *"Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant"* (Geo/Soils report) was prepared by Mason GeoScience, which is included in Appendix "D". This information, and additional analysis in the resource discussion item, are used as the basis for determining that this Project will result in a less than significant impact to this resource. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Geology and Soils. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in 15126.2(a), "[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."[1]

The "Environmental Setting" provides a description of the Geology and Soils in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, the Tulare County General Plan Background Report and/or the Tulare County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item as follows:

- Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving rupture of known earthquake fault, strong seismic shaking, seismic related ground failure (including liquefaction) or landslides.
- Result in substantial soil erosion or loss of topsoil.
- Be located on a geologic unit or soil that is unstable or become unstable as a result of the and potential result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

ENVIRONMENTAL SETTING

"Seismicity varies greatly between the two major geologic provinces represented in Tulare County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada Mountains, partially located within Tulare County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Range on the west side of the Central Valley is also a result of these forces, and the continued uplifting of Pacific and North American tectonic plates continues to elevate these ranges. The remaining seismic hazards in Tulare County generally result from movement along faults associated with the creation of these ranges."[2]

[1] CEQA Guidelines Section 15126.2.

[2] Tulare County General Plan 2030 Update. *Background Report*. Page 8-5.

"Earthquakes are typically measured in terms of magnitude and intensity. The most commonly known measurement is the Richter scale, a logarithmic scale which measures the strength of a quake. The Modified Mercalli Intensity Scale measures the intensity of an earthquake as a function of the following factors:

- Magnitude and location of the epicenter;
- Geologic characteristics;
- Groundwater characteristics;
- Duration and characteristic of the ground motion;
- Structural characteristics of a building."[3]

"Faults are the indications of past seismic activity. It is assumed that those that have been active most recently are the most likely to be active in the future. Recent seismic activity is measured in geologic terms. Geologically recent is defined as having occurred within the last two million years (the Quaternary Period). All faults believed to have been active during Quaternary time are considered "potentially active."[4]

"Settlement can occur in poorly consolidated soils during groundshaking. During settlement, the soil materials are physically rearranged by the shaking and result in reduced stabling alignment of the individual minerals. Settlement of sufficient magnitude to cause significant structural damage is normally associated with rapidly deposited alluvial soils, or improperly founded or poorly compacted fill. These areas are known to undergo extensive settling with the addition of irrigation water, but evidence due to groundshaking is not available. Fluctuating groundwater levels also may have changed the local soil characteristics. Sufficient subsurface data is lacking to conclude that settlement would occur during a large earthquake; however, the data is sufficient to indicate that the potential exists in Tulare County."[5]

"Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged groundshaking. Areas most prone to liquefaction are those that are water saturated (e.g., where the water table is less than 30 feet below the surface) and consist of relatively uniform sands that are low to medium density. In addition to necessary soil conditions, the ground acceleration and duration of the earthquake must be of sufficient energy to induce liquefaction. Scientific studies have shown that the ground acceleration must approach 0.3g before liquefaction occurs in a sandy soil with relative densities typical of the San Joaquin alluvial deposits. Liquefaction during major earthquakes has caused severe damage to structures on level ground as a result of settling, tilting, or floating. Such damage occurred in San Francisco on bay-filled areas during the 1989 Loma Prieta earthquake, even though the epicenter was several miles away. If liquefaction occurs in or under a sloping soil mass, the entire mass may flow toward a lower elevation, such as that which occurred along the coastline near Seward, Alaska during the 1964 earthquake. Also of particular concern in terms of developed and newly developing areas are fill areas that have been poorly compacted."[6]

[3] Ibid.
[4] Tulare County General Plan 2030 Update. *Background Report.* 8-5.
[5] Ibid. Page 8-9.
[6] Op. Cit.

Earthquake Hazards

"Groundshaking is the primary seismic hazard in Tulare County because of the county's seismic setting and its record of historical activity. Thus, emphasis focuses on the analysis of expected levels of groundshaking, which is directly related to the magnitude of a quake and the distance from a quake's epicenter. Magnitude is a measure of the amount of energy released in an earthquake, with higher magnitudes causing increased groundshaking over longer periods of time, thereby affecting a larger area. Groundshaking intensity, which is often a more useful measure of earthquake effects than magnitude, is a qualitative measure of the effects felt by population. The valley portion of Tulare County is located on alluvial deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas. However, existing alluvium valleys and weathered or decomposed zones are scattered throughout the mountainous portions of the county which could also experience stronger intensities than the surrounding solid rock areas. The geologic characteristics of an area can therefore be a greater hazard than its distance to the epicenter of the quake."[7]

"There are three faults within the region that have been, and will be, principal sources of potential seismic activity within Tulare County. These faults are described below:

- **San Andreas Fault.** The San Andreas Fault is located approximately 40 miles west of the Tulare County boundary. This fault has a long history of activity, and is thus the primary focus in determining seismic activity within the county. Seismic activity along the fault varies along its span from the Gulf of California to Cape Mendocino. Just west to Tulare County lies the "Central California Active Area," where many earthquakes have originated.

- **Owens Valley Fault Group.** The Owens Valley Fault Group is a complex system containing both active and potentially active faults, located on the eastern base of the Sierra Nevada Mountains. The Group is located within Tulare and Inyo Counties and has historically been the source of seismic activity within Tulare County.

- **Clovis Fault.** The Clovis Fault is considered to be active within the Quaternary Period (within the past two million years), although there is no historic evidence of its activity, and is therefore classified as "potentially active." This fault lies approximately six miles south of the Madera County boundary in Fresno County. Activity along this fault could potentially generate more seismic activity in Tulare County than the San Andreas or Owens Valley fault systems. In particular, a strong earthquake on the Fault could affect northern Tulare County. However, because of the lack of historic activity along the Clovis Fault, inadequate evidence exists for assessing maximum earthquake impacts."[8]

[7] Op. Cit. 8-7.
[8] Op. Cit. 8-6 to 8-7.

> "Older buildings constructed before current building codes were in effect, and even newer buildings constructed before earthquake resistance provisions were included in the current building codes, are most likely to suffer damage in an earthquake. Most of Tulare County's buildings are no more than one or two stories in height and are of wood frame construction, which is considered the most structurally resistant to earthquake damage. Older masonry buildings (without earthquake-resistance reinforcement) are the most susceptible to structural failure, which causes the greatest loss of life. The State of California has identified unreinforced masonry buildings as a safety issue during earthquakes. In high risk areas (Bay Area) inventories and programs to mitigate this issue are required. Because Tulare County is not a high risk area, state law only recommends that programs to retrofit URMs are adopted by jurisdictions."[9]

Liquefaction

"The San Joaquin Valley portion of Tulare County is located on alluvial deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas. However, existing alluvium valleys and weathered or decomposed zones are scattered throughout the mountainous portions of the county which could also experience stronger intensities than the surrounding solid rock areas. The geologic characteristics of an area can therefore be a greater hazard than its distance to the epicenter of the quake."[10]

"No specific countywide assessments to identify liquefaction hazards have been performed in Tulare County. Areas where groundwater is less than 30 feet below the surface occur primarily in the valley. However, soil types in the area are not conducive to liquefaction because they are either too coarse or too high in clay content. Areas subject to 0.3g acceleration or greater are located in a small section of the Sierra Nevada Mountains along the Tulare-Inyo County boundary. However, the depth to groundwater in such areas is greater than in the valley, which would minimize liquefaction potential as well. Detailed geotechnical engineering investigations would be necessary to more accurately evaluate liquefaction potential in specific areas and to identify and map the areal extent of locations subject to liquefaction."[11]

Landslides

"Landslides are a primary geologic hazard and are influenced by four factors:

- Strength of rock and resistance to failure, which is a function of rock type (or geologic formation);
- Geologic structure or orientation of a surface along which slippage could occur;
- Water (can add weight to a potentially unstable mass or influence strength of a potential failure surface); and,

[9] Op. Cit. Page 8-8.
[10] Op. Cit.8-7.
[11] Op. Cit. 8-9.

- Topography (amount of slope in combination with gravitation forces)."[12]

Soils in the proposed Project area

The 20-acre proposed Project site is composed of three different soil types, as depicted in **Table 3.7-1**.

Table 3.7-1
Area of Interest (AOI) Soils[13]

Map Unit Symbol	Soil Type	Acreage	% of AOI	Characteristics
101	Akers-Akers, saline-sodic complex, 0 to 2 % slopes	95.9	59.7	0-2% slopes, alluvium derived from granitic rock sources, well drained, no frequency of ponding, high available water storage
130	Nord fine sandy loam, 0 to 2 % slopes	46.8	29.2	0-2% slopes, alluvium derived from mixed sources, well drained, very rare frequency of ponding, low ability to store water
137	Tagus loam, 0 to 2 % slopes	19.7	11.1	0-2% slopes, alluvium derived from granitic rock sources, well drained, very rare frequency of ponding, moderate ability to store water
Totals of Area of Interest		160.7	100	

Paleontological Resources

Overview

"Paleontological resources comprise fossils – the remains or traces of once-living organisms preserved in sedimentary deposits – together with the geologic context in which they occur. Sedimentary deposits include unconsolidated or semi-consolidated "soils" or sedimentary rocks. Most fossil remains are the preserved hard parts of plants or animals, and include bones and/or teeth of once-living vertebrate animals, shells or body impressions of invertebrate animals, and impressions or carbonized or mineralized parts of plants (e.g. "petrified wood"). Trace fossils include preserved footprints, trackways, and burrows of prehistoric animals and root marks created by plants.

Fossils are scientifically important as they provide the only available direct evidence of the anatomy, geographic distribution, and paleoecology of organisms of the past. Scientific studies based on fossils and comparisons between them continue to refine details of the basic history of life. In conjunction with physical geologic investigations, the use of fossils as indicators of geologic time and ancient environments also contributes to understanding of the physical history of the earth, the distribution of mineral resources, dynamics of earth processes, and past climatic changes.

[12] Op. Cit. 8-10.

[13] *"Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant"* (Geo/Soils report), Appendix A, "Custom Soil Resource Report for Tulare County Western Part, California, August 2018." Pages 11 and 13 thru 16. Prepared by Mason GeoScience, which is included in Appendix "D" of this DEIR.

Potential for Fossils to Occur within Project Area

Geologic Indicators

As shown in Figure 3 of the Geo/Soils report, the project site is entirely underlain by Quaternary alluvium, including primarily alluvial fan deposits with a small area of basin deposits in the southeast corner. The Quaternary period includes the older Pleistocene Epoch (about 2.6 million to 10,000 years ago) and the Holocene (Recent) Epoch, which includes approximately the last 10,000 years. The Pleistocene Epoch is informally termed the Ice Age, and this is the depositional period which yields vertebrate fossils, and therefore deposits from this period are considered highly sensitive for paleontological resources. The Holocene deposits, which comprise more recent layers that were deposited on top of the Pleistocene material, yield few if any vertebrate fossils, and thus are considered to have a low sensitivity for paleontological resources. However, since Holocene strata have some potential to preserve fossil materials, there is always a possibility of fossil discoveries in these younger materials.

In the eastern San Joaquin Valley, the thickness of the Holocene deposits overlying the Pliestocene deposits generally increases with distance westward from the lower foothills of the Sierra. While the depth to sensitive Pliestocene strata at the project site has not been determined, two recent EIRs in the immediate project vicinity indicate that the Pliestocene strata are unlikely to occur in the upper 5-6 feet of soil material. The first EIR, on the SR-99 Tulare to Goshen 6-Lane widening project, determined that there was a low probability of encountering fossils in the upper 5 feet (Caltrans 2008, p. 60). The second EIR, on the Avenue 280 Road Widening Project EIR, determined that paleontological sensitivity in the project vicinity was presumed low because the depth to sensitive Pliestocene strata was presumed to be greater than the excavation depths of up to 6 feet (Tulare County 2010a, Figure 3-6.1).

Unpublished Museum Locality Records

There are no records or reports of known vertebrate fossil localities in the project vicinity, with the nearest vertebrate fossil discoveries occurring near Exeter at least 10 miles east of the project site, where there are surface exposures of Pliestocene-era alluvium. The University of California Museum of Paleontology (UCMP) database includes 11 records for vertebrate materials from Pliestocene deposits in Tulare County. These include examples of horse, mammoth, camel, and elephant, with the Exeter records both consisting of horse fossils (Tulare County 2010a, p. 3.6-12).

Conclusions on Paleontological Potential

Previous studies of paleontological resources in the project vicinity indicated the potential presence of significant fossils within the Pliestocene-era strata beneath the project site. While the depth to the paleontologically sensitive Pliestocene strata at the site is undetermined, the absence of fossil records from the site vicinity, and the conclusions of previous studies on adjacent lands indicate that the Pliestocene strata likely occurs at depths of 5 feet or greater at the

project site. The younger Holocene alluvium near the ground surface is less than 10,000 years old and, while it is considered to have low sensitivity for paleontological resources, it is always possible that fossils may occur in these near-surface materials."[14]

REGULATORY SETTING

Federal Agencies & Regulations

None that apply to the proposed Project.

State Agencies & Regulations

Seismic Hazards Mapping Act

"Under the Seismic Hazards Mapping Act, the State Geologist is responsible for identifying and mapping seismic hazards zones as part of the California Geologic Survey (CGS). The CGS provides zoning maps of non-surface rupture earthquake hazards (including liquefaction and seismically induced landslides) to local governments for planning purposes. These maps are intended to protect the public from the risks associated with strong ground shaking, liquefaction, landslides or other ground failure, and other hazards caused by earthquakes. For projects within seismic hazard zones, the Seismic Hazards Mapping Act requires developers to conduct geological investigations and incorporate appropriate mitigation measures into project designs before building permits are issued."[15]

"The nearest faults and fault systems were reviewed in closest proximity to the site. The California Geological Survey Fault Activity Map is viewable on the worldwide web at: maps.conservation.ca.gov/cgs/fam/ and a portion of the map is shown on Figure 4A [of the Geo/Soils report]. The map shows the locations of known faults and indicates the latest age when displacements took place, according to available data. The displacements may have been associated with earthquakes or may have been the result of gradual creep along the fault surface (CGS, 2010)."[16]

California Building Code

"The California Building Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2, which is a portion of the California Building Standards Code. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards."[17]

[14] *"Sequoia Gateway Commerce Park Draft EIR September 2018"*. Pages 3.5-3 and 3.5-4.
[15] Tulare County General Plan 2030 Update, Background Report. Page 8-10.
[16] *"Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant"* (Geo/Soils report). Page 10. Prepared by Mason GeoScience, which is included in Appendix "D" of this DEIR.
[17] Ibid, Page 8-3.

Alquist-Priolo Earthquake Fault Zoning Act

"The Alquist-Priolo Earthquake Fault Zoning Act (formerly the Alquist-Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazards associated with fault rupture and to prohibit the location of most structures for human occupancy across these traces."[18]

CEQA Guidelines: Paleontological Resources

Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands."

Local Policy & Regulations

Tulare County General Plan Policies

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed below.

ERM-7.2 Soil Productivity - The County shall encourage landowners to participate in programs that reduce soil erosion and increase soil productivity. To this end, the County shall promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, UC Cooperative Extension, and other similar agencies and organizations.

HS-2.1 Continued Evaluation of Earthquake Risks - The County shall continue to evaluate areas to determine levels of earthquake risk.

HS-2.4 Structure Siting - The County shall permit development on soils sensitive to seismic activity permitted only after adequate site analysis, including appropriate siting, design of structure, and foundation integrity.

HS-2.7 Subsidence - The County shall confirm that development is not located in any known areas of active subsidence. If urban development may be located in such an area, a special safety study will be prepared and needed safety measures implemented. The County shall also request that developments provide evidence that its long-term use of ground water resources, where applicable, will not result in notable subsidence attributed to the new extraction of groundwater resources for use by the development.

HS-2.8 Alquist-Priolo Act Compliance - The County shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones (pursuant to and as

[18] Ibid. 8-3.

determined by the Alquist-Priolo Earthquake Fault Zoning Act; Public Resource code, Chapter 7.5) unless the specific provision of the Act and Title 14 of the California Code of Regulations have been satisfied.

IMPACT EVALUATION

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Project Impact Analysis: ***Less Than Significant Impact***

No substantial faults are known to traverse Tulare County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation.[19] The nearest major fault line, which lies outside of Tulare County, is the San Andreas fault zones; well over 50 miles southwest of the proposed Project site. According to the Five County Seismic Safety Element (FCSSE), Tulare County is located in the V-1 zone. This zone includes most of the eastern San Joaquin Valley, and is characterized by a relatively thin section of sedimentary rock overlying a granitic basement. Amplification of shaking that would affect low to medium-rise structures is relatively high, but the distance of the faults that are expected sources of the shaking is sufficiently great that the effects should be minimal. The requirements of Zone II of the Uniform Building Code should be adequate for normal facilities.[20] Further, the Geo/Soils reports (see Appendix "D") notes, "As indicated on Figure 4 [of the Geo/Soils report], no Alquist-Priolo faults cross through the site. The nearest Holocene Active faults are the Pond fault 40 miles south and Nunez fault 60 miles west of the site. The Kern Canyon fault zone to the east, San Andreas Fault zone to the west, and Owens Valley fault zone to the east are the nearest faults with potential for significant sources of ground movement. However, due to the distance from these zones, site response from movement along the fault zones is estimated to be minimal and less than significant."[21] Therefore, any impacts resulting from the rupture of a known earthquake fault would be ***Less Than Significant.***

ii) Strong seismic ground shaking?

[19] State of California Department of Conservation, Alquist-Priolo Earthquake Fault Zone Maps, http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm. Accessed March 2019.

[20] Five County Seismic Safety Element. Summary & Policy Recommendations II 3 and 15.

[21] Geo/Soils report. Page 23. Prepared by Mason GeoScience and is included in Appendix "D" of this DEIR.

Project Impact Analysis: ***Less Than Significant Impact***

Tulare County is characterized as Severity Zone "Nil" and "Low" for groundshaking events.[22] Deaggregation of the hazard was performed by using the USGS Interactive Deaggregation website and it was found that all faults within a 20 mile radius are quaternary faults between the ages of 750,000 and 1.6 million years old. [23] Quaternary faults are defined as those faults that have been recognized at the surface and which have evidence of movement in the past 1.6 million years, which is the duration of the Quaternary Period.[24] "The site is not located within areas of strong seismic shaking. The site does not lie within a California Geological Service Earthquake Zone of Required Investigation. Further, the peak ground acceleration for the site was calculated as 0.260g, which is considered relatively low. Figure 5 [in the Geo/Soils report] shows a low potential for earthquake shaking…"[25] Due to the distance and types of faults in the proposed Project vicinity, strong ground shaking is unlikely. Therefore, any impact would be ***Less Than Significant.***

iii) Seismic-related ground failure, including liquefaction?

Project Impact Analysis: ***Less Than Significant Impact***

The proposed Project area is not located within an area mapped to have a potential for soil liquefaction. Liquefaction in soils and sediments occurs during earthquake events, when soil material is transformed from a solid state to a liquid state, generated by an increase in pressure between pore space and soil particles. Earthquake induced liquefaction typically occurs in low-lying areas with soils or sediments composed of unconsolidated, saturated, clay-free sands and silts, but it can also occur in dry, granular soils or saturated soils with partial clay content. As indicated in the Geo/Soils report, "The site is not located in an area mapped by the California Geological Survey as having liquefaction potential. One of the criteria for liquefaction is saturated soils. Groundwater was measured at 127.36- feet below ground surface, therefore, potential for liquefaction is unlikely and less than significant. The site is not located within the vicinity of oil and gas production and local ground settlement from oil and gas production is not expected to occur."[26] As such, there would be ***Less Than Significant Impact*** caused by seismic-related ground failure, including liquefaction.

iv) Landslides?

Project Impact Analysis: ***No Impact***

[22] Tulare County General Plan 2030 Update, *Part 1-Goals and Policies Report*. Page 253.

[23] USGS, *Earthquake Hazards Program: Custom Mapping & Analysis Tools*, https://earthquake.usgs.gov/learn/glossary/?term=Quaternary. Accessed March, 2019.

[24] USGS. *Earthquake Hazards Program: Gregationlossary,* http://earthquake.usgs.gov/hazards/qfaults/glossary.php#Q. Accessed September 2019.

[25] Geo/Soils report. Page 23. Prepared by Mason GeoScience and is included in Appendix "D" of this DEIR.

[26] Ibid.

Landslides are not a significant threat as the topography in the proposed Project area is relatively flat. No geologic landforms exist on or near the site that would result in a landslide event. As indicated in the Geo/Soils report, "The site is located on relatively flat terrain at 0.1% slope and approximately 15 miles from the nearest hilly terrain to the west. The CGS Information Warehouse Landslide Inventory Map indicates the nearest known landslides are within approximately 65 miles east and 110 miles west of the site. Based on the topography of the site, gravity induced movement is unlikely therefore potential for landslides is no impact."[27] Therefore, the proposed Project would result in ***No Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

With ***Less Than Significant*** Project-specific impacts, a ***Less Than Significant Cumulative Impact*** will also occur.

Mitigation: ***None Required***

Conclusion: ***Less Than Significant Impact***

As noted earlier, implementation of the proposed Project will not cause a significant impact to this Checklist Item. ***Less Than Significant Cumulative Impacts*** are anticipated without mitigation.

b) Result in substantial soil erosion or the loss of topsoil?

Project Impact Analysis: ***Less Than Significant Impact***

"The site is located on relatively flat topography and there are no major waterways adjacent to the site. Surface water is utilized and included in part by local and regional drainage for agriculture managed year-round by farming operations. The NRCS soil types at the site indicate the soil is well drained with low to negligible runoff.

The Clean Water Act and associated federal regulations (Title 40 of the Code of Federal Regulations [CFR] 123.25(a)(9), 122.26(a), 122.26(b)(14)(x) and 122.26(b)(15)) require nearly all construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more, including smaller sites in a larger common plan of development or sale, to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit for their stormwater discharges (EPA, 2017). In addition, the

[27] Op. Cit. 23 and 24.

California State Water Resources Control Board adopted the new state Construction General Permit, Order Number 2009-0009-DWQ that covers any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre. The General Permit requires a Qualified SWPPP Practitioner to oversee implementation of the BMPs required to comply with the General Permit. (General Permit, 2009).

A Stormwater Pollution Prevention Plan (SWPPP) will be required for the project. The SWPPP will provide best management practices for surface water management and sediment and erosion control. Based on this information, the project is anticipated to have less than significant impacts."[28] As such, the Project would result in a ***Less Than Significant Impact***. No mitigation is required.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project site is not located on slope or adjacent to a designated waterway. The proposed Project also does not involve changes that will affect off-site hillsides or designated waterways. Therefore, a ***Less Than Significant Impact*** related to this Checklist Item will occur.

Mitigation: ***None required***

Conclusion: ***Less Than Significant Impact***

Implementation of the proposed Project will not cause a significant impact, potential Project-specific impacts related to this Checklist Item. With a ***Less Than Significant*** Project-specific Impact, a ***Less Than Significant Cumulative Impact*** related to this Checklist Item will occur.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Project Impact Analysis: ***Less Than Significant Impact***

"The project is located on the distal end of the Kaweah Alluvial Fan and the surface soils are listed by NRCS as fan remnant soils. The depositional environment of the alluvial and

[28] Op. Cit. 24.

fluvial fan sediments are such that hydrocompaction is not expected to occur; especially since the site has experienced numerous years' worth of wetting and drying cycles by irrigation activities. The project will be located on regionally level topography and is not expected to contribute excessive amounts of water. The project is not expected to mine excessive amounts of groundwater. Therefore, the project is expected to have less than significant impact."[29] As such, the Project would result in a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

Engineered soil compaction will only occur in areas where development will occur, and as such, a ***Less Than Significant Cumulative Impact*** related to this Checklist Item will occur.

Mitigation: ***None required***

Conclusion: ***Less Than Significant Impact***

As noted earlier, the Project-specific or Cumulative impacts related to this Checklist Item will result in a ***Less Than Significant Impact***.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Project Impact Analysis: ***No Impact***

"Expansive soils are not known to occur near or around the project site. The nearest region of extensive expansive soils are in the Porterville area. Expansive soils are characteristic of soils with an expansion index greater than 20, such as montmorillonite clay. Soils with an expansion index less than 20 are considered very low. According the NRCS, site soils are characterized as sandy loam and loam. These soils are considered with very low shrink-swell potential, therefore the site soils are not considered expansive and are a less than significant impact."[30] Compliance with the County's adopted building code will result in ***No Project Impact.***

Cumulative Impact Analysis: ***No Impact***

[29] Op Cit.
[30] Op. Cit.

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). As such, the proposed Project will not create a risk to life or property related to this Checklist Item throughout any stage of the Project's life span. Therefore, ***No Cumulative Impacts*** will occur.

Mitigation Measures: ***None required***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Project Impact Analysis: ***No Impact***

"The site contains an existing onsite wastewater treatment system repaired in January 1978. The system contains a concrete lined four foot diameter by 30 foot deep seepage pit located approximately 200 feet from the onsite water well. The septic system was utilized for on-site use. The on-site office is currently vacant and it is unknown how long the septic system has been out of service.

Onsite wastewater systems in the area are served by private septic systems. The City of Visalia Boundary is located on the north side of Avenue 280, north of the site. There are no city sewer or stormwater conveyance structures near the site. Figure 9 [in the Geo/Soils report] shows the City of Visalia sewer and stormwater mains.

On April 5, 2018, the State Water Resources Control Board (SWRCB) approved the Local Agency Management Program (LAMP) for Tulare County. The Central Valley Regional Water Quality Control Board approved Resolution R5-2018-0009 applies to the Local Agency Management Program (LAMP) for the Tulare County Resource Management Agency and Tulare County Environmental Health Division.

The LAMP provides a new regulatory framework for the permitting of On-site Wastewater Treatment Systems (OWTS). The Tulare County Environmental Health Services Division (TCEHSD) prepared a document to advise local OWTS designers and other stakeholders of some of the major changes in the LAMP as follows (Tulare County, 2018).

The SWRCB adopted the final version of the Water Quality Control Policy for Siting, Design, Operation and Maintenance of OWTS in May 2013. Pursuant to Water Code Section 13291 (b)(3), the adopted policy describes requirements authorizing a qualified local agency to implement the adopted policy. The LAMP policies are developed by the local agencies based on local conditions. Approval of Tulare County's LAMP by the SWRCB allows the LAMP to become the standard by which the County will regulate OWTS. This approach allows for greater flexibility at the local level, rather than a "one size fits all" approach outlined by the State.

The LAMP covers the installation of new & replacement OWTS, as well as repair systems for existing OWTS. The LAMP is not intended to cover OWTS that have the following characteristics.

- Existing OWTS that are functioning normally.
- Proposed OWTS that will have design waste flow of greater than 3,500 gallons per day.
- OWTS with anticipated high amounts of fats, oils & grease (FOG), or OWTS with anticipated high values for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).
- OWTS that will require nitrogen reduction to mitigate certain limiting conditions.
- OWTS with supplemental treatment systems

When the above listed special conditions apply to a proposed/replacement OWTS, the application for the OWTS may be referred to the SWRCB for review and/or permitting.

The current operational function of the OWTS is unknown. If the current system is functioning normally and does not meet any of the other four characteristics outlined in bullet points above, it will not be required to fall under the conditions of the Tulare County LAMP and should be allowed for use on conditions that it is fully functional and can handle design flows for proposed operations. If the on-site OWTS is not fully functional and meets any of the other four characteristics outlined in bullet points above, the system will not be covered by the Tulare County LAMP and will be referred to the SWRCB for review and/or permitting.

If a new, replacement, or repair of the existing system is proposed or required for the site, the design and construction will fall under the Tulare County LAMP regulatory standards for the installation of new & replacement OWTS, as well as repair systems for the existing OWTS."[31]

Both TCEHSD and the Resource Management Agency (RMA) will continue to have similar roles in the OWTS process. TCEHSD will review OWTS design proposals and the RMA will be responsible for permit issuance and inspection.

[31] Op. Cit. 25-26.

The key difference is that a design report will now be required for all new proposed OWTS. In addition to the design report, a 'Test Hole Permit Application' & Site Evaluation Report must be submitted at the beginning of the permit process.

The Test Hole Permit Application will require two test pit analyses; one in the primary leach field area and the other in the replacement area. Test holes must be dug to a depth of at least five (5) feet deeper than proposed trench bottom depths. For seepage pits, test holes must be dug to a minimum depth of ten (10) feet deeper than the proposed pit bottom.

Where the maximum soil application rate cannot be initially determined from the soil boring/test hole analysis, percolation testing will be required, to justify an application rate for a proposed OWTS design. The average value of all percolation test results shall not exceed 200 Minutes per Inch (MPI). No single test result shall exceed 240 MPI. A minimum of 3 percolation test holes must be explored when the primary & replacement areas are near each other; 6 test holes are required when they are not.

All design reports must include a copy of recorded measurements & time intervals. Design reports that do not incorporate the County approved test form must provide equivalent percolation test information.

In addition, the following methodology must be utilized:

- Percolation test holes shall be 6 inches in diameter. Larger diameter holes may be accepted if the appropriate correction factor & gravel packing are used.
- Unless approval is obtained from the RMA, the test hole bottom depth shall be deeper than the proposed system bottom depth.
- Seepage pits – unless otherwise indicated by the RMA, there shall be a percolation test performed on every seepage pit proposed.
- Presoak requirement – test holes shall be filled with water to a minimum depth of 12 inches above the base of the hole. The presoak shall be maintained for a minimum of 4 hours for sandy soil with no clay and 24 hours for all other soils.
- Percolation tests shall be measured to the nearest 1/8 inch from a fixed point. The test shall begin within 4 hours following completion of the presoak. Adjust the water level to 6 inches (12 inches for seepage pits) over the pea gravel bottom to begin the test.
- Readings shall be taken over 30 minute intervals. Refill as necessary to maintain 6 inches of water over the pea gravel bottom at each interval. Readings shall be taken until 2 consecutive readings do not vary by more than 10 percent per reading, with a minimum of 3 readings. The last 30- minute interval is used to compute the percolation rate.
- If 4 inches or more of water seeps from the hole during the 30 minute interval, readings may be taken at 10 minute intervals. Readings shall be taken until 2 consecutive readings do not vary by more than 10 percent per reading, with a

minimum of 3 readings. The last 10-minute interval is used to compute the percolation rate.

Requirements for septic tank design & construction are as follows.

- Risers/manholes are required for both compartments in septic tanks. There will be minimum compartment sizes for tanks. Inlet & outlet pipe sizing has specific requirements.

Changes for the requirements for dispersal field design are as follows.

- Distribution boxes will now be required for a leach field with multiple lines. Leach fields designs that exceed 500 total feet of leach-line will require a dosing tank.

Seepage pit design will only be permitted to serve single-family residences. Use of seepage pits in all other situations will require permitting approval with the Regional Water Quality Control Board (RWQCB). The diameter of pits may be between 3 to 5 feet in width. The minimum sidewall amount below the inlet shall be 10 feet.

Requirements for the format for a septic design report have changed and are included in the guidance document for the required elements in a septic design report. Changes to the processing and review fees for design reports will include a fee schedule to address the changes.

Septic design reports must be submitted by 'Qualified Professionals' that are those persons with the following credentials/licensure.

- RMA Building Inspectors demonstrating knowledge of OWTS
- California Professional Engineer
- California Engineering Geologist
- California Professional Hydrogeologist
- Registered Environmental Health Specialist (REHS)
- Soil Science of America Certified Soil Scientists

Parcel density will be limited to one system per acre. Land development proposals that will cause an exceedance of this ratio will likely require cumulative impact studies. These studies may include nitrogen- loading analysis and groundwater mounding evaluation.

There is an existing septic tank and seepage pit located at the site. If the system is fully functional and meets the design requirements for the proposed facility, it is anticipated that the proposed project would not require a new OWTS to address the sewage needs of the proposed project.

The installation of a septic tank is regulated and monitored by the TCEHSD and RMA.

Upon submission of an application to install a new septic system, TCEHSD requires that the above newly implemented LAMP procedures be followed for an on-site OWTS. According to the site owner, the currently permitted OWTS is functioning and is expected to be utilized for the proposed operations."[32]

It is anticipated that if the on-site system is fully functional, meets the design requirements for the proposed project, and complies with TCEHSD regulations/permit requirements through design features, the Project would result in a ***Less Than Significant Project-specific Impact*** to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR. ***No Cumulative Impacts*** will occur.

Mitigation: ***None Required***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are no known paleontological resources on the project site or its immediate vicinity. "There are no records or reports of known vertebrate fossil localities in the project vicinity, with the nearest vertebrate fossil discoveries occurring near Exeter at least 10 miles east of the project site [Sequoia Gateway Commerce Park], where there are surface exposures of Pliestocene-era alluvium."[33] Because of the nature of the soil in the Project area, (i.e. alluvium), there is potential for intact fossils to be present beneath the upper layer of soil at depths greater than six (6) feet, and a low potential for intact fossils to be present at depths of less than six (6) feet below the existing ground surface. Therefore, it is possible that previously undiscovered paleontological materials may be buried within the project site which could be adversely affected by grading, excavation, and construction for the project.

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Except for the stormwater retention basin, the Project will not require any extensive earthmoving, earth-shaping, trenching, or other soil excavation. As noted earlier, the older

[32] Op. Cit. 28-29.

[33] *"Sequoia Gateway Commerce Park Draft EIR September 2018"*. Page. 3.5-4.

Quaternary alluvium from the Pleistocene-era (Ice Age – 2.6 million to 10,000 years ago) that underlies the Project site at depth has a high potential to include vertebrate fossils. The younger Quaternary alluvium from the more recent Holocene-era (from 10,000 years ago to present) is considered to have low sensitivity for paleontological resources, although it is always possible that fossils could be present in this near-surface material. Trenching for utility lines, which typically occur at depths of less than five feet, may result in encountering Pleistocene strata (alluvium) which is known to be paleontologically sensitive and could result in disturbing or destroying vertebrate fossil material (e.g., horse, mammoth, camel, elephant, etc.). As such, given the potential for fossils to be present in the upper Holocene materials, albeit a low potential, the potential to disturb or destroy paleontological resources during excavation and grading for the project represents a potentially significant impact. Therefore, in the unlikely event that paleontological resources are encountered, the use of **Mitigation Measures 3.7-1** and **3.7-2 a)** through **e)**, would reduce impacts to ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

Therefore, in the unlikely event that paleontological resources are encountered, the use of **Mitigation Measures 3.7-1** and **3.7-2 a) - e)**, would reduce impacts to Less Than Significant With Mitigation. Therefore, ***Less Than Significant Cumulative Impacts With Mitigation*** will occur.

Mitigation: ***See Mitigation Measures 3.7-1 and 3.7-2 (a) – (e)***

The following measures shall be implemented to mitigate any potential impacts to and for the protection of paleontological resources:

3.7-1 Submit to the Tulare County RMA Director a grading and construction plan that highlights the planned locations of excavations or other ground alterations that would result in the exposure of soils at depths greater than 5 feet below existing grade within the project site.

3.7-2 a) In the event any paleontological resources are exposed or discovered during subsurface excavation or construction in areas not being monitored by the professional paleontologist, ground-disturbing operations shall stop within 25 feet of the find and the professional paleontologist shall be contacted immediately to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan.

b) If paleontological resource are encountered, retain the services of a qualified professional paleontologist as recognized by the Museum of Paleontology at U.C. Berkeley.

c) If paleontological resource are encountered, authorize the professional paleontologist to prepare a Paleontological Monitoring and Recovery Plan, following the guidelines of the Society of Vertebrate Paleontology (1995), and submit the Plan to the County for review and approval prior to ground disturbance.

d) If paleontological resource are encountered, authorize the professional paleontologist to visually monitor the planned excavations that extend deeper than five (5) feet below existing grade at the project site. No monitoring of excavation or construction by the professional paleontologist is required outside the identified deep excavation areas within the project site.

e) If paleontological resource are encountered, provide advance authorization to the professional paleontologist to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan to ensure protection, preservation, and proper recovery of any paleontological resources, including reporting requirements.

Conclusion: ***Less Than Significant Impact With Mitigation***

DEFINITIONS

Fault - "A fault is a fracture in the Earth's crust that is accompanied by displacement between the two sides of the fault. An active fault is defined as a fracture that has shifted in the last 10,000 to 12,000 years (Holocene Period). A potentially active fault is one that has been active in the past 1.6 million years (Quaternary Period). A sufficiently active fault is one that shows evidence of Holocene displacement on one or more of its segments or branches (Hart, 1997)."[34]

Liquefaction - "Liquefaction in soils and sediments occurs during earthquake events, when soil material is transformed from a solid state to a liquid state, generated by an increase in pressure between pore space and soil particles. Earthquake-induced liquefaction typically occurs in low-lying areas with soils or sediments composed of unconsolidated, saturated, clay-free sands and silts, but it can also occur in dry, granular soils or saturated soils with partial clay content."[35]

Magnitude - "Earthquake magnitude is measured by the Richter scale, indicated as a series of Arabic numbers with no theoretical maximum magnitude. The greater the energy released from the fault rupture, the higher the magnitude of the earthquake. Magnitude increases logarithmically in the Richter scale; thus, an earthquake of magnitude 7.0 is thirty times stronger than one of magnitude 6.0. Earthquake energy is most intense at the point of fault slippage, the epicenter, which occurs because the energy radiates from that point in a circular wave pattern. Like a pebble thrown in a pond, the increasing distance from an earthquake's epicenter translates to reduced ground shaking."[36]

REFERENCES

CEQA Guidelines Section 15126.2

Five County Seismic Safety Element, Summary & Policy Recommendations II, 3 and 15.

"Sequoia Gateway Commerce Park Draft EIR September 2018". Prepared by Bert Verrips, AICP Environmental Consulting.

State of California Department of Conservation, Alquist-Priolo Earthquake Fault Zone Maps, http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm. Accessed March 2019.

Tulare County General Plan 2030 Update, August 2012. Accessed April 2019 at: http://generalplan.co.tulare.ca.us/documents.html.

[34] Tulare County General Plan 2030 Update, *Background Report*, Page 8-2.
[35] Ibid.
[36] Ibid.

Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed April 2019 at:
http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf

USGS, *Earthquake Hazards Program: Custom Mapping & Analysis Tools*, http://geohazards.usgs.gov/qfaults/ca/California.php. Accessed March 2019.

USGS. *Earthquake Hazards Program: Glossary*, http://earthquake.usgs.gov/hazards/qfaults/glossary.php#Q. Accessed March 2019.

Hazards and Hazardous Materials
Chapter 3.9

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impact With Mitigation*** related to Hazards and Hazardous Materials. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Hazards and Hazardous Materials. As required in Section 15126, all phases of the proposed project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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."[1]

The "Environmental Setting" provides a description of the Hazards and Hazardous Materials in the County. The "Regulatory Setting" provides a description of applicable Federal, State and

[1]CEQA Guidelines, Section 15126.2 (a).

Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or Tulare County 2030 General Plan EIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Create a significant hazard
- Located within one-quarter mile of an existing or proposed school
- Located on a list of hazardous materials sites
- Located within an airport land use plan
- Located within the vicinity of a private airstrip
- Interfere adopted emergency response plan or emergency evacuation plan
- Wildland Fire Risk

ENVIRONMENTAL SETTING

"A hazardous material is defined by the California Code of Regulations (CCR) as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10)."[2]

"Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. According to Title 22 of the CCR, hazardous materials and hazardous wastes are classified according to four properties: toxic, ignitable, corrosive, and reactive (CCR, Title 22, Chapter 11, Article 3)."[3]

Hazardous Waste Shipments Originating Within Tulare County

"In 2007, the DTSC Hazardous Waste Tracking System (HWTS) manifest data reports that approximately 5,925 tons of hazardous waste was transported from all categories of generators in Tulare County. As of November 2008, hazardous waste data available for 2008 indicated that approximately 7,160 tons of hazardous waste was generated in the county (DTSC, 2008a)"[4] The

[2] Tulare County General Plan 2030 Update Background Report. Page 8-26. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents.html.
[3] Ibid. Pages 8-26.
[4] Op. Cot. Page 8-37.

quantities of hazardous waste transported from facilities located within each zip code in Tulare County are shown in the **Table 3.9-1**.

Table 3.9-1
Transport of Hazardous Waste[5]

Zip Code	Total Tons	Zip Code	Total Tons	Zip Code	Total Tons	Zip Code	Total Tons
93219	0.579	93221	19.100	93223	14.73	93227	6.792
93244	4.270	93247	36.370	93256	14.39	93257	155.000
93262	0.459	93271	4.463	93272	17.78	93274	146.700
93275	14.870	93277	407.80	93279	52.01	93286	7.152
93291	321.700	93292	25.600	93615	2.606	93618	139.100
93631	321.700	93647	65.630	93654	4.255	93673	4.915

Environmental Health Department Futures Assessment

"The Environmental Health Department [EHD], of which the CUPA is a part, anticipates a slight increase in the reported volume of hazardous waste generated within Tulare County in year 2003/04. However, EHD does not expect an increase in the actual volume of hazardous waste generated over the same period."[6]

REGULATORY SETTING

Federal Agencies & Regulations

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 (HMTA) as amended, is the major transportation-related statute affecting DOE. The objective of the HMTA according to the policy stated by Congress is ". . .to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce." The HMTA empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property."

Regulations apply to ". . .any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials."[7]

[5] Tulare County General Plan 2030 Update Draft 2008 Background Report. Page 8-31.
[6] Ibid. 8-32.
[7] U.S. Department of Energy, The Office of Health, Safety and Security, https://energy.gov/ehss/environment-health-safety-security. Accessed March 2019.

Superfund

"Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as "Superfund", was enacted on December 11, 1980. The purpose of CERCLA was to provide authorities with the ability to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. Additionally, CERCLA provided for the revision and republishing of the National Contingency Plan (NCP) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action."[8]

Superfund Amendments and Reauthorization Act (SARA)

"Superfund Amendments and Reauthorization Act SARA amended CERCLA on October 17, 1986. This amendment increased the size of the Hazardous Response Trust Fund to $8.5 billion, expanded EPA's response authority, strengthened enforcement activities at Superfund sites; and broadened the application of the law to include federal facilities. In addition, new provisions were added to the law that dealt with emergency planning and community right to know. SARA also required EPA to revise the Hazard Ranking System to ensure that the system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review for listing on the National Priorities List."[9]

State Agencies & Regulations

Hazardous Substance Account Act (1984), California Health and Safety Code Section 25300 ET SEQ (HSAA)

"This act, known as the California Superfund, has three purposes: 1) to respond to releases of hazardous substances; 2) to compensate for damages caused by such releases; and 3) to pay the state's 10 percent share in CERCLA cleanups. Contaminated sites that fail to score above a certain threshold level in the EPA's ranking system may be placed on the California Superfund list of hazardous wastes requiring cleanup."[10]

[8] Tulare County General Plan 2030 Update Background Report. Page 8-27.
[9] Ibid. Page 8-27.
[10] Op. Cit. Page 8-28 to 8-29.

California Environmental Protection Agency (Cal/EPA) Department of Toxic Substance Control (DTSC)

"Cal/EPA has regulatory responsibility under Title 22 of the California Code of Regulations (CCR) for administration of the state and federal Superfund programs for the management and cleanup of hazardous materials. The DTSC is responsible for regulating hazardous waste facilities and overseeing the cleanup of hazardous waste sites in California. The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement and Unified Program activities. HWMP maintains the EPA authorization to implement the RCRA program in California, and develops regulations, policies, guidance and technical assistance/ training to assure the safe storage, treatment, transportation and disposal of hazardous wastes. The State Regulatory Programs Division of DTSC oversees the technical implementation of the state's Unified Program, which is a consolidation of six environmental programs at the local level, and conducts triennial reviews of Unified Program agencies to ensure that their programs are consistent statewide and conform to standards."[11]

California Occupational Safety and Health Administration (Cal/OSHA)

"Cal/OSHA and the Federal OSHA are the agencies responsible for assuring worker safety in the handling and use of chemicals in the workplace. Pursuant to the Occupational Safety and Health Act of 1970, Federal OSHA has adopted numerous regulations pertaining to worker safety, contained in the Code of Federal Regulations Title 29 (29 CFR). These regulations set standards for safe workplaces and work practices, including standards relating to hazardous material handling. Cal/OSHA assumes primary responsibility for developing and enforcing state workplace safety regulations. Because California has a federally General Plan Background Report December 2007 approved OSHA program, it is required to adopt regulations that are at least as stringent as those identified in 29 CFR. Cal/OSHA standards are generally more stringent than federal regulations."[12]

Hazardous Materials Transport Regulations

"California law requires that Hazardous Waste (as defined in California Health and Safety Code Division 20, Chapter 6.5) be transported by a California registered hazardous waste transporter that meets specific registration requirements. The requirements include possession of a valid Hazardous Waste Transporter Registration, proof of public liability insurance, which includes coverage for environmental restoration, and compliance with California Vehicle Code registration regulations required for vehicle and driver licensing."[13]

[11] Ibid. 8-29.
[12] Ibid. 8-30 and 8-31.
[13] Ibid. 8-31.

Cal/EPA Cortese List

"The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List" (after the Legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA)."[14] The Cortese List identifies the following:

- Hazardous Waste and Substance Sites
- Cease and desist order Sites
- Waste Constituents above Hazardous Waste Levels outside the Waste Management Unit Sites
- Leaking Underground Tank (LUST) Cleanup Sites
- Other Cleanup Sites
- Land Disposal Sites
- Military Sites
- WDR Sites
- Permitted Underground Storage Tank (UST) Facilities Sites
- Monitoring Wells Sites
- DTSC Cleanup Sites
- DTSC Hazardous Waste Permit Sites

Local Policy & Regulations

Tulare County Environmental Health Division

"The mission of the Division of Environmental Health is to enhance the quality of life in Tulare County through implementation of environmental health programs that protect public health and safety as well as the environment. We accomplish this goal by overseeing and enforcing numerous different programs, from food facility inspections to hazardous waste. All of our inspectors are licensed and/or certified in the field that they practice in and participate in continuing education to maintain licensure."[15]

Hazardous Materials/Certified Unified Program Agency (CUPA)

"The California Environmental Protection Agency designated the Tulare County Environmental Health as the CUPA for Tulare County. The role of the CUPA is to assure consolidation, consistency and coordination of the hazardous materials programs within the County"[16].

[14] Cal/EPA Cortese List background, http://www.calepa.ca.gov/sitecleanup/corteselist/Background.htm. Accessed March 2019.

[15] Tulare County Health and Human Services Agency, 2018. Environmental Health Division. Who Are We. Accessed March 2019 at: https://tularecountyeh.org/eh/index.cfm/about-us/who-are-we/

[16] Tulare County Health and Human Services Agency, 2018. Hazardous Materials (CUPA) Hazardous Materials/Certified Unified Program Agency (CUPA). Accessed March 2019 at: https://tularecountyeh.org/eh/index.cfm/our-services/hazardous-materials-cupa/

"The Tulare County Division of Environmental Health is responsible for overseeing the six hazardous materials programs in the County. The Tulare County Division of Environmental Health is responsible for inspecting facilities that handle hazardous materials, generate hazardous waste, treat hazardous waste, own/operate underground storage tanks, own/operate aboveground petroleum storage tanks, or handle other materials subject to the California Accidental Release Program."[17]

Tulare County/Operational Area Emergency Operations Plan

"The Tulare County Office of Emergency Services (OES) is Tulare County's comprehensive emergency management program. The discipline of emergency management aims to create partnerships, plans, and systems to build capabilities and coordinate the efforts of government, industry, and voluntary organizations in all phases of an emergency.

The activities of Tulare County OES can be categorized under the four phases of the emergency management cycle: Preparedness, Response, Recovery, and Mitigation. The day-to-day activities of the program center around Preparedness and Mitigation phases, in order to combat potential hazards and minimize community impacts during the Response and Recovery phases. The following descriptions offer more detail about the activities in each phase of emergency management.

Preparedness

- Public Education
- Training & Exercise for responders
- Grants for public safety & health agencies

Response

Tulare County OES maintains the Emergency Operations Center (EOC) for the County and Operational Area. Tulare County OES also administers the AlertTC notification system and WebEOC crisis information management system.

Recovery

After the emergency is over, there is still considerable work to be done to help the community return to a pre-disaster state. Recovery often takes several years, perhaps even decades, to fully complete.

Mitigation

Mitigation is the process by which hazards and vulnerabilities are identified, and measures taken to decrease the potential for occurrence of the hazard, the vulnerability to the hazard

[17] Ibid.

should it occur, or both. Tulare County Office of Emergency Services implements the 2011 Tulare County Hazard Mitigation Plan."[18]

Multi-Jurisdictional Local Hazard Mitigation Plan

Tulare County has prepared the 2017 Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) to assess the natural, technological, and human-caused risks to County communities, to reduce the potential impact of the hazards by creating mitigation strategies. The 2017 MJLHMP represents the County's commitment to create a safer, more resilient community by taking actions to reduce risk and by committing resources to lessen the effects of hazards on the people and property of the County.[19] The MJLHMP was adopted in March 2018.

Tulare County Fire Department

"The Emergency Services Division consists of over 400 career fire officers and Extra Help Paid On Call personnel who provide services 24 hours per day, seven days a week, year round from 27 community based fire stations. Tulare County Fire Department (TCFD) personnel respond to approximately 12,000 calls for service each year.

Services are provided to unincorporated communities, hamlets, and rural areas. Contract Fire Protection Services are provided to the City of Exeter and The Strathmore Fire Protection District. TCFD participates in the Statewide Mutual Aid system and maintains reciprocal agreements with local response organizations including incorporated Cities, neighboring Counties, and State & Federal Wildland agencies.

TCFD provides response to virtually every conceivable type of emergency situation. The "All Risk" emergency response functions include: Fire Suppression-Structural, Wildland, Vehicle; Agricultural and other type fires; Emergency Medical Services-Life Threatening and Emergency Medical Assists; Traffic and Industrial Accidents; Rescue-Water Rescue, Trench Rescue, Structural Collapse, Rope Rescue; Hazardous Conditions-Flammable/Chemical Spills & Leaks, Electrical & Flood & Severe Weather emergencies."[20]

Tulare County General Plan Policies

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed as follows:

HS-4.1 Hazardous Materials - The County shall strive to ensure hazardous materials are used, stored, transported, and disposed of in a safe manner, in compliance with local, State, and

[18] 2011 Tulare County Hazard Mitigation Plan. http://oes.tularecounty.ca.gov/oes/index.cfm/mitigation/tulare-county-mjlhmp/. Accessed March 2019.

[19] Tulare County 2017 Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP). March 2018. Page 1. Accessed March 2019 at: http://oes.tularecounty.ca.gov/oes/index.cfm/mitigation/tulare-county-mjlhmp/.

[20] Tulare County Fire Department, 2018. Emergency Services. Accessed March 2019 at: http://tularecounty.ca.gov/fire/index.cfm/services/emergency-services/

Federal safety standards, including the Hazardous Waste Management Plan, Emergency Operations Plan, and Area Plan.

HS-4.3 Incompatible Land Uses - The County shall prevent incompatible land uses near properties that produce or store hazardous waste.

HS-4.4 Contamination Prevention - The County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

IMPACT EVALUATION

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Project Impact Analysis: ***Less Than Significant With Mitigation***

Construction

Construction-related activities associated with construction of new or improvements to future/existing offices, installation of fencing, landscaping, paving, etc. would require the use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) on-site during construction-related activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, a Storm Water Pollution Prevention Plan (SWPPP) is required for the proposed Project and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. In addition, all use, storage, transport and disposal of hazardous materials during construction shall be performed in accordance with existing local, state and federal hazardous materials regulations.

Operations

Operation of the plant would require materials to be imported to the facility for use in asphalt production. The raw materials for the proposed Project operations will be brought in from the Porterville Rock mine (east of Porterville) and will consist of typical 3/8”- 5/8” crushed gravel. The gravel will be dumped on a conveyor and sent to the on-site stock piles. Recycled asphalt paving (RAP) will also be delivered to the site and crushed to a typical 3/8”- 5/8” size, then moved to stockpiles on the south end of the facility. The facility will also accept and recycled rubble and asphalt grindings, which are further ground up to a specified

thickness and used in the production of new asphalt. The aggregate will be loaded into the mixer, dried, mixed with oil and RAP, then placed on a conveyor to be sent into the storage silos. Silos are programmed to release a specific weight of asphalt into the trucks positioned under the silos. The process involves the use of potentially hazardous materials such as oils and fuels. These potentially hazardous project components are described below:

Liquefied Propane Gas/Natural Gas: The proposed Gencor's Ultraplant (asphalt production equipment) will be fueled using liquefied propane gas (LPG). As noted in the Chapter 3.6 Energy, the Project will rely on liquefied propane gas (LPG) which will be stored in an above-ground 30,000-gallon LPG storage tank and delivered to the site on an as needed basis. The LPG will be used to provide fuel to the Gencor plant, crushing plant, and asphalt storage silo. The LPG storage tank would be refilled on a routine basis using a propane tanker truck. Fuel is will be pumped directly into the LPG storage tank. A drip pan will be used during refueling to avoid spills to the surface. Any spills of LPG will be immediately removed and disposed of into a storage container for off-site disposal.

Asphalt Oil: The proposed project will utilize one 60,000-gallon above-ground asphalt oil storage tank[s] on site. The oil is used internally within the Gencor plant as a mixing agent for the dried aggregate. Delivery and refilling the tanks is performed by a tanker truck and pumped directly into the holding tanks. A drip pan will be used to avoid spills to the surface during the refilling process. Any spills of oil will be immediately removed and disposed of into a storage container for off-site disposal.

Fuel/Diesel: The proposed project will utilize a 16,000-gallon diesel fuel above-ground tank on site. This fuel tank will be used to fuel on-site equipment, water trucks, etc. Delivery and refilling the tank is performed by a tanker truck and pumped directly into the holding tank. A drip pan will be used to avoid spills to the surface during the refilling process. Any spills of fuel/diesel will be immediately removed and disposed of into a storage container for off-site disposal.

A Storm Water Pollution Prevention Plan (SWPPP) is required for the project and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. In addition, all use, storage, transport and disposal of hazardous materials during any construction-related activities shall be performed in accordance with existing local, state and federal hazardous materials regulations.

All businesses transporting, storing, using or disposing of hazardous materials (including wastes) must comply with applicable local, state and federal regulations for hazardous materials management. These include regulations and programs administered by the Tulare County Health & Human Services Agency, Environmental Health Services Division as well as other requirements of state and federal laws and regulations, including compliance with the Uniform Fire Code for hazardous material storage. This would result in a ***Less Than Significant Impact With Mitigation***.

All businesses transporting, storing, using or disposing of hazardous materials (including wastes) must comply with applicable local, state and federal regulations for hazardous materials management. These include regulations and programs administered by the Tulare County Health & Human Services Agency, Environmental Health Services Division as well as other requirements of state and federal laws and regulations, including compliance with the Uniform Fire Code for hazardous material storage. This impact will result in ***Less Than Significant Impact With Mitigation*****.**

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

With a ***Less Than Significant Project-specific Impact With Mitigation***, a ***Less Than Significant Cumulative Impact With Mitigation*** will also occur.

Mitigation: ***See Mitigation Measures 8-1 and 8-2***

8-1 The Project proponent shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.

8-2 Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.

Conclusion: Potential Project-specific impacts related to this Checklist Item will result in a ***Less Than Significant Impact With Mitigation.***

Potential Project-specific impacts related to this Checklist Item will result in a ***Less Than Significant Impact With Mitigation***.

b) Create 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?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

The proposed Project includes the use of potentially hazardous materials. Please refer to a full description of potentially hazardous materials in item a), above. As previously stated, the project

must comply with applicable local, state and federal regulations for hazardous materials management. These include regulations and programs administered by the Tulare County Health & Human Services Agency, Environmental Health Services Division as well as other requirements of state and federal laws and regulations, including compliance with the Uniform Fire Code for hazardous material storage. Further measures are outlined as ***Mitigation Measures 8-1*** and ***8-2***.

Conclusion: Project-specific impacts related to this Checklist item will be reduced to a ***Less Than Significant Impact With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

With a ***Less Than Significant Project-specific Impact With Mitigation***, a ***Less Than Significant Cumulative Impact With Mitigation*** will also occur.

Mitigation: ***See Mitigation Measures 8-1 and 8-2***

Conclusion: ***Less Than Significant Impact With Mitigation***

Project-specific impacts related to this Checklist item will result in a ***Less Than Significant With Mitigation.***

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Project Impact Analysis: ***No Impact***

The Project site is not located within 0.25 mile of an existing or proposed school. The nearest school (Sycamore Valley Academy, a private K-8 charter school) is approximately 1.03 miles west of the Project site, north of Avenue 280. Therefore, ***No Project-specific Impact*** to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

With ***Less Than Significant*** Project-specific impacts, ***Less Than Significant Cumulative Impacts*** will also occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Project Impact Analysis: ***No Impact***

As of November 2019, the proposed Project site was not located on a Cortese List site. Moreover, the proposed Project will not include elements that will require listing on the Cortese List. Therefore, ***No Project-specific Impacts*** to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project site is not located on any Cortese List of hazardous materials. The proposed Project includes the construction and operation of a residential development and will not cause other properties to be included in the Cortese List. As such ***No Cumulative Impact*** to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Project Impact Analysis: ***No Impact***

The nearest airport to the Project site is the Visalia Municipal Airport located approximately one mile directly east. The project site is within any Airport Zones, including Zone 6-Trafic Pattern Zone which represents the lowest level of hazard for areas within the Airports Safety

Zones.[21] The proposed Project site contains of an existing structure which will remain the tallest structure on the site. As such, all other proposed uses (e.g., materials piles, silos, storage tanks, etc.) will not exceed the height of the existing structure and would not pose a risk to the Traffic Pattern Zone. The proposed use is not un-similar to other existing industrial land uses located within one mile of the Airport and will not result in any increase in safety hazards for people working in the project area. Therefore, implementation of the proposed Project would result in ***No Impact*** to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

There is no Project level impact, and therefore ***No Cumulative Impact*** to this Checklist Item will occur.

Mitigation: ***None Required***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impact*** to this Checklist Item will occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Project Impact Analysis: ***No Impact***

There are no other known private airstrips in the project vicinity. Therefore, there will be ***No Project-specific Impact*** related to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project does not include alterations to an emergency plan or include reductions of site accessibility by emergency vehicles. ***No Cumulative Impacts*** to this Checklist Item will occur.

Mitigation: ***None required***

[21] Tulare County Comprehensive Airport Land Use Plan (2012). Page 5-6.

Conclusion: ***No Impact***

There is no Project level impact, and therefore ***No Cumulative Impact*** to this Checklist Item will occur.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Project Impact Analysis: ***No Impact***

The Project site is not located in an area that would be subject to wildland fires. Therefore, the Project would result in ***No Project-specific Impact***.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

As note earlier, the Project site in not located in wildlands and will result in ***No Cumulative Impact*** related to this Checklist Item.

Mitigation Measure(s): ***None Required***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

ACRONYMS

CDF/CalFire	California Department of Forestry and Fire Protection
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
DOE	Department of Energy
DTSC	Cal/EPA Department of Toxic Substance Control
HMTA	Hazardous Materials Transportation Act of 1975
HWMP	Hazardous Waste Management Program
HWTS	Hazardous Waste Tracking System
LPG	Liquefied Propane Gas
LUST	Leaking Underground Tank
NCP	National Contingency Plan
SWPPP	Storm Water Pollution Prevention Plan
USFS	United States Forest Service

DEFINITIONS

Hazardous Waste Generators - Hazardous waste generators can be classified in three groups depending on the quantity of waste generated in any month. A Conditionally Exempt Small Quantity Generator (CESQG) is defined in regulation as a generator of less than 100 kilograms of hazardous waste in a calendar month. A Small Quantity Generator (SQG) is a generator of greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month. A Large Quantity Generator (LQG) generates greater than 1000 kg of hazardous waste in a calendar month. Determination of whether a facility is a CESQG, SQG, or LQG is the responsibility of the generator. The designation may change during the year, based on the quantity of hazardous waste produced during a particular month. Specific hazardous waste materials may also be exempt from the monthly total quantity. Therefore, the Certified Unified Program Agencies (CUPA) cannot authoritatively designate the number of generators within each of the earlier categories.

Small Quantity Generators - CUPA has designated 58 active and 30 inactive small quantity generators (SQG's). The total estimated quantities of hazardous waste generated within Tulare County by active and inactive SQG's during calendar year 2002 were 121.7 and 56.3 tons, respectively.

Large Hazardous Waste Producers - CUPA has designated 23 active and 3 inactive large quantity generators (LQG's). The total estimated quantities of hazardous waste generated within Tulare County by active and inactive LQG's during calendar year 2002 were 559.7 and 121.6 tons, respectively.

Storage Facilities - According to available information from the agencies (Department of Toxic Substances Control [DTSC] and RWQCB) that oversee treatment, storage and disposal facilities (TSDFs), there are no facilities authorized for the storage of hazardous waste in Tulare County.

Disposal Facilities - According to available information from the agencies (DTSC and RWQCB) that oversee treatment, storage and disposal facilities (TSDFs), there are no facilities authorized for the disposal of hazardous waste in Tulare County.

Planned Treatment, Storage and Disposal Facilities - According to information available to the CUPA, there are no new treatment, storage and disposal facilities proposed in Tulare County.

REFERENCES

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U.S. Department of Energy, The Office of Health, Safety and Security, https://energy.gov/ehss/environment-health-safety-security Accessed March 2019.

Hydrology and Water Quality
Chapter 3.10

SUMMARY OF FINDINGS

The proposed Project will result in a ***Less Than Significant Impact*** related to Hydrology and Water Quality. *"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant"* report prepared by consultant Mason GeoScience, is included in Appendix "E" of this document which is used as the basis for determining this Project will result in less than significant impact with mitigation. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Hydrology and Water Quality. As required in Section 15126, all phases of the proposed Project will be considered was part of the potential environmental impact.

As noted in 15126.2 (a), "[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."[1]

[1] CEQA Guidelines, Section 15126.2 (a).

The "Environmental Setting" provides a description of the Hydrology and Water Quality in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, Tulare County General Plan Background Report and/or Tulare County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA checklist item questions. The following are potential thresholds for significance.

- Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- Project will substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Project will substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, in a manner which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Project in flood hazard, tsunami, seiche zones, risk release of pollutants due to project inundation.

ENVIRONMENTAL SETTING

"The Tulare Lake Hydrologic Region covers approximately 10.9 million acres (17,050 square miles) and includes all of Kings and Tulare counties and most of Fresno and Kern counties... The southern portion of the San Joaquin Valley is subdivided into two separate basins, the San Joaquin and the Tulare, by a rise in the valley floor resulting from an accumulation of alluvium between the San Joaquin River and the Kings River fan. The valley floor in this region had been a complex series of interconnecting natural sloughs, canals, and marshes.

The economic development of the region is closely linked to the surface water and groundwater resources of the Tulare Lake region. Major rivers draining into the Tulare Lake region include the Kings, Kaweah, Tule, and Kern rivers. The original ecological character of the area has been changed dramatically, largely from the taming of local rivers for farming. In the southern portion of the region, significant geographic features include the lakebeds of the former Buena Vista/ Kern and Tulare lakes, comprising the southern half of the region; the Coast Ranges to the west; the Tehachapi Mountains to the south; and the southern Sierra Nevada to the east. The Tulare Lake region is one of the nation's leading agricultural production areas, growing a wide variety

of crops on about 3 million irrigated acres. Agricultural production has been a mainstay of the region since the late 1800s. However, since the mid-1980s, other economic sectors, particularly the service sector, have been growing."[2]

The Tulare Lake Hydrologic Region has watershed areas (surface water) and groundwater sub-basin areas are shown in **Figure 3.10-1; Figure 3.10-2** shows the Tulare Lake Hydrologic Region.

Watershed (Surface Water)

"The Tulare Lake region is divided into several main hydrologic subareas: the alluvial fans from the Sierra foothills and the basin subarea (in the vicinity of the Kings, Kaweah, and Tule rivers and their distributaries); the Tulare Lake bed; and the southwestern uplands. The alluvial fan/basin subarea is characterized by southwest to south flowing rivers, creeks, and irrigation canal systems that convey surface water originating from the Sierra Nevada. The dominant hydrologic features in the alluvial fan/basin subarea are the Kings, Kaweah, Tule, and Kern rivers and their major distributaries from the western flanks of the Sierra."[4] "The Kaweah River begins in Sequoia National Park, flows west and southwest, and is impounded by Terminus Dam. It subsequently spreads into many distributaries around Visalia and Tulare trending toward Tulare Lake."[3]

"Groundwater Aquifers and Wells

Groundwater resources in the Tulare Lake region are supplied by both alluvial and fractured rock aquifers. Alluvial aquifers are composed of sand and gravel or finer grained sediments, with groundwater stored within the voids, or pore space, between the alluvial sediments. Fractured-rock aquifers consist of impermeable granitic, metamorphic, volcanic, and hard sedimentary rocks, with groundwater being stored within cracks, fractures, or other void spaces. The distribution and extent of alluvial and fractured-rock aquifers and water wells vary significantly within the region. A brief description of the aquifers for the region is provided below.

Alluvial Aquifers

The Tulare Lake Hydrologic Region contains 12 groundwater basins and 7 subbasins recognized in California Department of Water Resources (DWR) *Bulletin 18-2003* (California Department of Water Resources 2003) and underlie approximately 8,400 square miles, or about 50 percent of the region. The majority of the groundwater in the region is stored in alluvial aquifers. Figure TL-3 [of the California Water Plan Update 2013] shows the location of the alluvial groundwater basins and subbasins and Table TL-1 [of the California Water Plan Update 2013] lists the associated names and numbers. Pumping from the alluvial aquifers in the region accounts for about 38 percent of California's total average annual groundwater extraction. The most heavily used groundwater basins in the region include Kings, Westside, Kaweah, Tulare Lake, Tule, and

[2] "*California Water Plan Update 2013, Tulare Lake Hydrologic Region".* Page TL-11.
[3] Ibid.

Figure 3.10-1 – Groundwater Basins and Sub-basins Within the Tulare Lake Hydrologic Region

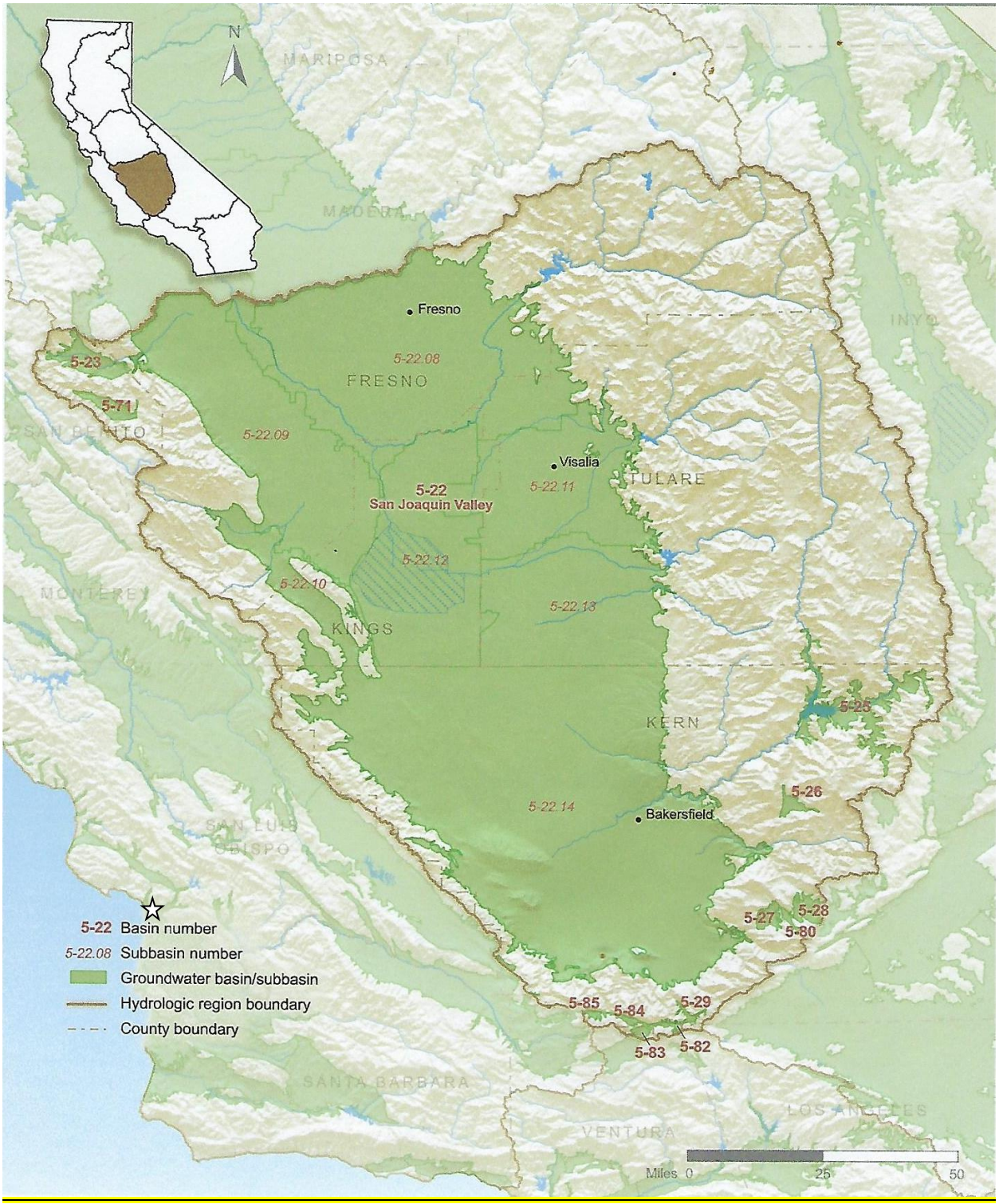


Figure 3.10-2 Tulare Lake Hydrologic Region



Kern County. These basins account for approximately 98 percent of the average 6.3 million acre-feet (maf) of groundwater pumped annually during the 2005-2010 period. Groundwater wells in the San Joaquin Valley extend to depths of more than 1,000 feet (Page 1986). Based on a series of irrigation pump tests, groundwater pumping rates in the various subbasins were determined to range from about 650 gallons per minute (gpm) to about 1,650 gpm (Burt 2011)."

Fractured-Rock Aquifers

Fractured-rock aquifers are generally found in the mountain and foothill areas adjacent to alluvial groundwater basins; as such, fractured-rock aquifers would not be found on the Valley floor nor within the Project site/location.

Surface Water Quality

"Surface water quality in the Basin is generally good, with excellent quality exhibited by most eastside streams. The Regional Water Board intends to maintain this quality."[4] Specific objectives outlined in the Water Quality Control Plan are listed below: [5]

- **Ammonia:** Waters shall not contain un-ionized ammonia in amounts which adversely affect beneficial uses. In no case shall the discharge of wastes cause concentrations of un-ionized ammonia (NH3) to exceed 0.025 mg/l (as N) in receiving waters.
- **Bacteria:** In waters designated REC-1, the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml.
- **Biostimulatory Substances:** Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
- **Chemical Constituents:** Waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.
- **Color:** Waters shall be free of discoloration that causes nuisance or adversely affects beneficial uses.
- **Dissolved Oxygen:** Waste discharges shall not cause the monthly median dissolved oxygen concentrations (DO) in the main water mass (at centroid of flow) of streams and above the thermocline in lakes to fall below 85 percent of saturation concentration, and the 95 percentile concentration to fall below 75 percent of saturation concentration.
- **Floating Material:** Waters shall not contain floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

[4] *"Water Quality Control Plan for the Tulare Lake Basin"*. May 2018. Page 3-9.
[5] Ibid. 3-2 to 3-7.

- **Oil and Grease:** Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- **pH:** The pH of water shall not be depressed below 6.5, raised above 8.3, or changed at any time more than 0.3 units from normal ambient pH.
- **Pesticides:** Waters shall not contain pesticides in concentrations that adversely affect beneficial uses.
- **Radioactivity:** Radionuclides shall not be present in concentrations that are deleterious to human, plant, animal, or aquatic life nor which result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life
- **Salinity:** Waters shall be maintained as close to natural concentrations of dissolved matter as is reasonable considering careful use of the water resources.
- **Sediment:** The suspended sediment load and suspended sediment discharge rate of waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
- **Settleable Material:** Waters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.
- **Tastes and Odors:** Waters shall not contain taste- or odor-producing substances in concentrations that cause nuisance, adversely affect beneficial uses, or impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to domestic or municipal water supplies.
- **Temperature:** Natural temperatures of waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.
- **Toxicity:** All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.
- **Turbidity:** Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

Specific water quality objectives for ground waters outlined in the Water Quality Control Plan are summarized as follows: [6]

- **Bacteria:** In ground waters designated MUN, the concentration of total coliform organisms over any 7-day period shall be less than 2.2/100 ml.
- **Chemical Constituents:** Ground waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.

[6] Op. Cit. 3-10 through 3-12.

- **Pesticides:** No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.
- **Radioactivity:** Radionuclides shall not be present in ground waters in concentrations that are deleterious to human, plant, animal, or aquatic life, or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.
- **Salinity:** All ground waters shall be maintained as close to natural concentrations of dissolved matter as is reasonable considering careful use and management of water resources.
- **Tastes and Odors:** Ground waters shall not contain taste- or odor producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
- **Toxicity:** Ground waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial use(s)."[7]

According to the "*California Water Plan Update 2013, Tulare Lake Hydrologic Region"*, "Generally, the quality and the beneficial uses of the deep groundwaters remain the same as before humans entered the valley. A few areas within the Tulare Lake Basin have groundwaters that are naturally unusable or of marginal quality for certain beneficial uses. (Central Valley Regional Water Quality Control Board 2004) However, anthropogenic sources have impacted many of the shallower zones. Groundwater in the shallower part of the aquifer generally contains higher concentrations of anthropogenic contaminants, such as nitrates and pesticides, than the deeper part of the aquifer. The shallower part of the aquifer is generally younger water that indicates more recently recharged water. So, shallower wells, such as domestic supply wells, may provide better indication of pollutants from current land use activities. Pollutants from current land use activities may eventually impact deeper wells such as public supply wells (Burow et al. 2008). The following are the contaminants of concern in groundwater for this region:

- Salinity (Central Valley Regional Water Quality Control Board 2004).
- Nitrate (Dubrovsky et al. 1998, Burow et al. 2008, Center for Watershed Sciences 2012).
- DBCP (1,2-dibromo-3-chloropropane) (Dubrovsky et al. 1998, Burow et al. 2008, State Water Resources Control Board 2013).
- Arsenic (State Water Resources Control Board 2013).
- Gross Alpha Particle Activity and Uranium (State Water Resources Control Board 2013).
- Chromium 6 (State Water Resources Control Board 2011b).
- Localized contamination by (State Water Resources Control Board 2013):
  - Organic Compounds (Benzene, tetrachloroethylene (PCE), trichloroethylene (TCE), and perchlorate).
  - Fluoride"[8]

[7] California Regional Water Quality Control Board Central Valley Region. *"Water Quality Control Plan for the Tulare Lake Basin Second Edition". Revised January 2015 (with Approved Amendments).* Pages III-7 through III-9. Accessed March 2019 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/tlbp_201501.pdf.

As discussed in the "*California Water Plan Update 2013, Tulare Lake Hydrologic Region"(2013 CA Water Plan)* , the key ground water quality issues include the following.

Salinity: "Degradation of groundwater in the Tulare Lake Basin by salts is unavoidable without a plan for removing salts from the basin. Some of the salt load to the groundwater resource is primarily the result of natural processes within the basin, but some also occurs due to water imported from other basins to supply agricultural irrigation water. Natural processes include salt loads leached from the soils by precipitation, valley floor runoff, and native surface waters. Salts that are not indigenous to the basin water resources results from human activity. Salts come from imported water, soil leached by irrigation, animal wastes, fertilizers, and other soil amendments, municipal use, industrial wastewaters, and oil field wastewaters. These salt sources, all contributors to salinity increases, should be managed to the extent practicable to reduce the rate of ground water degradation. (Central Valley Regional Water Quality Control Board 2004)."[9]

Nitrates: "In a 1998 USGS study, nitrate concentrations in 24 percent (21 of 88) of the domestic wells sampled during 1993-1995 in the regional aquifer survey and land-use studies of the eastern San Joaquin Valley exceeded the drinking-water standard of 10 mg/L established by the EPA. A subsequent USGS study found that concentrations of nitrate and pesticides in the shallow part of the aquifer system at depths of domestic wells in the study area have increased over time due to continued contributions of nitrates and current use pesticides in the recharge water. Also, concentrations of nitrates and pesticides in the shallow part of the aquifer are likely to move to deeper parts of the groundwater flow system (Burow et al. 2008). The recent University of California, Davis report also found that travel times of nitrates from source to wells range from a few years to decades in domestic wells, and from years to many decades and even centuries in deeper production wells. While the quality of the shallower part of the aquifer is the result of past land use activities, the soil profile contains a stockpile of these contaminants that will continue to recharge the shallow aquifer and cause migration of contaminants to the deeper aquifer. Humangenerated nitrate sources to groundwater include nitrogen applied to croplands, percolation of wastewater treatment plant and food processing wastes, leachate from septic system drain fields, urban parks, lawns, golf courses, leaky sewer systems, recharge from animal corrals and manure storage lagoons, and downward migration of nitrate-contaminated water via wells. Agricultural fertilizers and animal wastes applied to cropland are by far the largest regional sources of nitrate in groundwater; although, other sources can be locally relevant (Center for Watershed Sciences 2012)."[10]

DBCP: "Concentrations of DBCP, a soil fumigant banned since 1977, exceeded the EPA drinking-water standard of 0.2 mg/L in 18 of the 88 (or 20 percent) domestic wells sampled

[8] "*California Water Plan Update 2013, Tulare Lake Hydrologic Region"*. Page TL-60 and TL-61. Accessed March 2019 at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/California-Water-Plan/Docs/Update2013/Regional-Reports/Water-Plan-Update-2013-Tulare-Lake-Regional-Report.pdf.

[9] Ibid. 61.

[10] Op. Cit.

during 1993-1995 (Dubrovsky et al. 1998). DBCP concentrations were above the drinking-water standard in 16 of 50 (or 32 percent) of domestic wells samples in orchards and vineyards from 2001-2002 (Burow et al. 2008)."[11]

Arsenic: "Public supply wells with levels of arsenic in the raw and untreated water that exceed the maximum contaminant level (MCL) were found in the south and western part of the Tulare Lake. Arsenic is generally considered to be naturally occurring (State Water Resources Control Board 2013). Arsenic has been linked to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate (U.S. Environmental Protection Agency 2012a)."[12]

Gross Alpha Particle Activity and Uranium: "Gross alpha particle activity and uranium were found in raw and untreated water for many of the public water systems in the Tulare Lake Basin. These radionuclides are typically naturally occurring but are a concern because of the potential for health effects (State Water Resources Control Board 2013)."[13]

Chromium 6: "Chromium is a metal found in natural deposits of ores containing other elements, mostly as chrome-iron ore. It is also widely present in soil and plants. Recent sampling of drinking water throughout California suggests that hexavalent chromium may occur naturally in groundwater at many locations. Chromium may also enter the environment from human uses. Chromium is used in metal alloys such as stainless steel, protective coatings on metal, magnetic tapes, pigments for paints, cement, paper, rubber, composition floor covering, etc. Elevated levels (above the detection limit of 1 µg/L) of hexavalent chromium have been detected in many active and standby public supply wells along the west or valley floor portion of the Central Valley (State Water Resources Control Board 2011b)."[14]

Localized Contamination: Organic Compounds (Benzene, tetrachloroethylene (PCE), trichloroethylene (TCE), and perchlorate) **and Flouride:** "Benzene, perchlorate, PCE, and TCE have been detected at levels exceeding MCLs in the source water of a few water systems in the Tulare Lake region. Benzene was found in public supply wells in Arvin and Kettleman City. Perchlorate was found in wells in Tehachapi, Stallion Springs, East Tulare, and Exeter. PCE was found in public supply wells in the Fresno metropolitan area, Sanger, Arvin, Golden Hills, Oildale, Bakersfield, and Goshen areas. TCE was found in the Fresno and Bakersfield metropolitan areas (State Water Resources Control Board 2013). Benzene and perchlorate occur in the environment both naturally and due to human-made sources. PCE was the main solvent used for dry cleaning. Its occurrence in the environment is also associated with textile operations and metal degreasing operations. TCE is most associated with metal degreasing operations.

[11] Op. Cit. 62.
[12] Op. Cit.
[13] Op. Cit.
[14] Op. Cit.

> Fluoride was found at levels exceeding MCLs in raw and untreated water in the Sierra and San Emigdio Mountains areas of Kern County (State Water Resources Control Board 2013). While fluoride is added to public drinking water supplies as a public health measure for reducing cavities among the treated population, it can also occur naturally as a result of the geological composition of soils and bedrock (U.S. Environmental Protection Agency 2011)."[15]

Surface Water Supply

"Surface water supplies for the Tulare Lake Basin include developed supplies from the Central Valley Project (CVP), the State Water Project (SWP), rivers, and local projects. Surface water also includes the supplies for required environmental flows. Required environmental flows are comprised of undeveloped supplies designated for wild and scenic rivers, supplies used for instream flow requirements, and supplies used for Bay-Delta water quality and outflow requirements. Finally, surface water includes supplies available for reapplication downstream. Urban wastewater discharges and agricultural return flows, if beneficially used downstream, are examples of reapplied surface water."[16]

"Along the eastern edge of the valley, the Friant-Kern Canal is used to divert San Joaquin River water from Millerton Lake for delivery to agencies extending into Kern County. All of the Tulare Lake region's streams are diverted for irrigation or other purposes, except in the wettest years. Historically, they drained into Tulare Lake, Kern Lake, or adjacent Buena Vista Lake. The latter ultimately drained to Tulare Lake, which is about 30 feet lower in elevation."[17]

"The Kings, Kaweah, Tule, and Kern Rivers, which drain the west face of the Sierra Nevada Mountains, are of excellent quality and provide the bulk of the surface water supply native to the Basin. Imported surface supplies, which are also of good quality, enter the Basin through the San Luis Canal/California Aqueduct System, Friant-Kern Canal, and the Delta- Mendota Canal. Adequate control to protect the quality of these resources is essential, as imported surface water supplies contribute nearly half the increase of salts occurring within the Basin."[18]

Groundwater Supply

"Surface water supplies tributary to or imported for use within the Basin are inadequate to support the present level of agricultural and other development. Therefore, ground water resources within the valley are being mined to provide additional water to supply demands."[19]

"Groundwater in Tulare County occurs in an unconfined state throughout, and in a confined state beneath its western portion. Extensive alluvial fans associated with the Kings, Kaweah, and Tule Rivers provide highly permeable areas in which groundwater in the unconfined aquifer system is

[15] Op. Cit.
[16] Tulare County General Plan 2030 Update, Background Report. Page 10-7.
[17] *"California Water Plan Update 2009, Tulare Lake Hydrologic Region".* Page TL-5.
[18] *"Water Quality Control Plan for the Tulare Lake Basin".* May 2018. Page 1-2.
[19] Ibid.

readily replenished. Interfan areas between the streams contain less permeable surface soils and subsurface deposits, impeding groundwater recharge and causing well yields to be relatively low. The mineral quality of groundwater in Tulare County is generally satisfactory for all uses."[20] "Groundwater recharge is primarily from natural streams, other water added to streambeds, from deep percolation of applied irrigation water, and from impoundment of surface water in developed water bank/percolation ponds."[21]

"The Tulare Lake region has experienced water-short conditions for more than 100 years, which has resulted in a water industry that has consciously developed—through careful planning, management and facility design—the possibility of a shortage occurring in any year. Water demand is more or less controlled by available, reliable long-term water supplies. Over the years, agricultural acreage has risen and dropped largely based on water supplies. The region initially developed with surface water supplies; but local water users learned these supplies could widely vary in volume from year to year and drought conditions could quickly develop. The introduction of deep well turbines resulted in a dramatic rise in groundwater use in the early 1900s, subsequently resulting in dropping groundwater levels and land subsidence. Surface water storage and conveyance systems built to alleviate the overuse of groundwater provided an impounded supply of water that could be used during years with deficient surface water. This resulted in a regional reliance on conjunctive water use in the development of the local water economy. Efforts to address Delta environmental issues and the subsequent loss of surface water to the region is increasing groundwater use and creating concern that additional pumping will increase subsidence."[22]

According to the *2013 California Water Plan*, water storage has fluctuated between 2003 and 2010. The data suggests that variations occur as a result of changing precipitation levels as seen in **Figure 3.10-1**.

Table 3.10-1
Tulare Lake Hydrologic Water Balance for 2003-2010 (thousand acre-feet)[23]

Tulare Lake Region	Water Year							
	2003	2004	2005	2006	2007	2008	2009	2010
Water Entering the Region								
Precipitation	12,137	11,964	19,939	17,135	7,031	10,724	9,945	16,185
Inflow from Oregon/Mexico	0	0	0	0	0	0	0	0
Inflow from Colorado River	0	0	0	0	0	0	0	0
Imports from Other Regions	3,696	4,239	5,174	5,944	4,434	2,797	2,704	4,456
Total	**17,311**	**16,780**	**22,848**	**23,079**	**11,465**	**13,521**	**12,649**	**20,641**
Water Leaving the Region								
Consumptive Use of Applied Water	7,667	8,221	6,953	7,376	8,214	8,592	8,684	7,668
Outflow to Oregon/Nevada/Mexico	0	0	0	0	0	0	0	0

[20] Tulare County General Plan 2030 Update Background Report. Page 10-11.
[21] *"California Water Plan Update 2009, Tulare Lake Hydrologic Region".* Page TL-17.
[22] Ibid. TL-19.
[23] Op. Cit.

Table 3.10-1 Tulare Lake Hydrologic Water Balance for 2003-2010 (thousand acre-feet)[23]								
Exports to Other Regions	1,898	1,961	1,724	2,269	2,053	1,215	1,204	1,502
Statutory Required Outflow to Salt Sink	0	0	0	0	0	0	0	0
Additional Outflow to Salt Sink	458	457	300	468	456	514	456	456
Evaporation, Evapotranspiration of Native Vegetation, Groundwater Subsurface Outflows, Natural and Incidental Runoff, Ag Effective Precipitation & Other Outflows	10,090	10,342	13,297	13,241	5,303	8,528	7,667	13,095
Total	**20,113**	**20,981**	**22,274**	**23,350**	**16,026**	**18,849**	**18,011**	**22,721**
Storage Changes in Region: [+] Water added to storage, [-] Water removed from storage								
Change in Surface Reservoir Storage	173	-199	680	-108	-473	-59	101	259
Change in Groundwater Storage	-2975	-4,002	-106	163	-4,088	5,269	5,463	2,339
Total	**-2,802**	**-4,201**	**574**	**-4,256**	**-4,088**	**-5,329**	**-5,362**	**-2,080**

"Groundwater overdraft is expected to decline statewide by 2020. The reduction in irrigated acreage in drainage problem areas on the west side of the San Joaquin Valley is expected to reduce groundwater demands in the Tulare Lake region by 2020."[24] According to the 2009 California Water Plan Update, it is anticipated that there will be a 550,000 acre-feet reduction in the water demand in the Tulare Lake Hydrologic Area under Current Growth trends. Slow & Strategic Growth trends may further decrease water demand, while Expansive Growth trends may increase water demand.

"There are 19 entities in Tulare County with active programs of groundwater management. These management programs include nearly all types of direct recharge of surface water. Groundwater recovery is accomplished primarily through privately owned wells. Among the larger programs of groundwater management are those administered by the Kaweah Delta Water Conservation District, the Kings River Water Conservation District, the Tulare Irrigation District, the Lower Tule Water Users Association, and the Alta Irrigation District, utilizing water from the Friant-Kern Canal and local streams. The Kings River Water Conservation District covers the western county."[25]

Irrigation Districts in Tulare County

The Tulare County Resource Management Agency maintains a list of special districts that provide sewer and/or water service that cannot currently meet the demand of new development projects. The list provided by Tulare County RMA (last updated April 30, 2007) indicates that following water and/or sewer districts are either under a temporary cease and desist order by the Regional Water Control Board prohibiting any new connections, or have other limitations for water and sewer connections.

- Alpaugh Joint Powers Authority Water District;

[24] "*California Water Plan Update 2013, Tulare Lake Hydrologic Region*". Page TL-54.
[25] Ibid. 10-12

- Cutler Public Utility District;
- Delft Colony Zone of Benefit (County RMA);
- Earlimart Public Utility District;
- El Rancho Zone of Benefit (County RMA);
- Orosi Public Utility District;
- Pixley Public Utility District;
- Pratt Mutual Water Company;
- Richgrove Public Utility District;
- Seville Zone of Benefit (County RMA);
- Seville Water Company;
- Springville Public Utility District;
- Tooleville Zone of Benefit (County RMA);
- Traver Zone of Benefit (County RMA); and
- Wells Tract Zone of Benefit (County RMA)[26]

Table 3.10-2
Irrigation Districts in Tulare County[27]

Entity	Surface Water	Imported Water Source	Groundwater Extraction
Alpaugh Irrigation District	NA	Friant-Kern Canal (1,000af average)	19,000 af
Alta Irrigation District	Kings River	Friant-Kern Canal (surplus)	230,000 af
Delano-Earlimart Irrigation District	NA	Friant-Kern Canal (146,050 af average)	8,000 af
Exeter Irrigation District	NA	Friant-Kern Canal (1,000 af average)	14,000 af
Hills Valley Irrigation District	NA	Cross Valley Canal (2,000 af average)	1,000 af
Ivanhoe Irrigation District	Kaweah River	Friant-Kern Canal (11,650 af average)	15,000 af
Kaweah Delta Water Cons. District	Kaweah River	Friant-Kern Canal (24,000 af average)	130,000 af
Kern-Tulare Water District	Kern River	Cross Valley Canal (41,000 af average)	33,000 af
Lindmore Irrigation District	NA	Friant-Kern Canal (44,000 af average)	28,000 af
Lower Tule River Irrigation Dist.	Tule River	Friant-Kern Canal (180,200 af average) Cross Valley Canal (31,000 af average)	NA
Lindsay-Strathmore Irrigation Dist.	NA	Friant-Kern Canal (24,150 af average)	NA
Orange Cove Irrigation District	NA	Friant-Kern Canal (39,200 af average)	30,000 af
Pioneer Water Irrigation District	Tule River		3,000 af
Pixley Irrigation District	NA	Friant-Kern Canal (1,700 af average) Cross Valley Canal (31,000 af average)	130,000 af
Porterville Irrigation District	Tule River	Friant-Kern Canal (31,000 af average)	15,000 af
Rag Gulch Water District	Kern River	Friant-Kern Canal (3,700 af average) Cross Valley Canal (13,300 af average)	
Saucelito Irrigation District	Tule River	Friant-Kern Canal (37,600 af average)	15,000 af
Stone Corral Irrigation District	NA	Friant-Kern Canal (10,000 af average)	5,000 af
Teapot Dome Irrigation District	NA	Friant-Kern Canal (5,600 af average)	
Terra Bella Irrigation District	NA	Friant-Kern Canal (29,000 af average)	2,000 af
Tulare Irrigation District	Kaweah River	Friant-Kern Canal (100,500 af average)	65,000 af

[26] "*California Water Plan Update 2009, Tulare Lake*". Page TL-17.

[27] Bookman-Edmonston Engineering Inc. Water Resources Management in the Southern San Joaquin Valley. Table A-1.

Flooding

"Flooding is a natural occurrence in the Central Valley because it is a natural drainage basin for thousands of watershed acres of Sierra Nevada and Coast Range foothills and mountains. Two kinds of flooding can occur in the Central Valley: general rainfall floods occurring in the late fall and winter in the foothills and on the valley floor; and snowmelt floods occurring in the late spring and early summer. Most floods are produced by extended periods of precipitation during the winter months. Floods can also occur when large amounts of water (due to snowmelt) enter storage reservoirs, causing an increase in the amount of water that is released."[28]

"Floods in the Tulare Lake Hydrologic Region can be caused by heavy rainfall; by dams, levees, or other engineered structures failing; or by extreme wet-weather patterns. Historically, in the Tulare Lake region flooding originates principally from melting of the Sierra snowpack and from rainfall. Flooding from snowmelt typically occurs in the spring and has a lengthy runoff period. Flooding in the region was intermittent, with severe flooding some years and drought in other years. Flash and slow-rise flooding are the most commonly experienced types of flooding in this hydrologic region. Floods that occur in the Tulare Lake region take a variety of forms and can be classified into flash, alluvial fan, debris flow, stormwater, slow-rise, and engineered structure failure flooding. For a complete record of floods, refer *California Flood Future Report, Attachment C: Flood history of California* technical memorandum (California Department of Water Resources and the U.S. Army Corps of Engineers 2013a)."[29]

"Official floodplain maps are maintained by the Federal Emergency Management Agency (FEMA). FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on a map for each community, known as the Flood Insurance Rate Map (FIRM). A 100-year flood is considered for purposes of land use planning and protection of property and human safety. The boundaries of the 100-year floodplain are delineated by FEMA on the basis of hydrology, topography, and modeling of flow during predicted rainstorms."[30]

"The flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures (e.g., bridges, trestles, buildings) have increased along the Kaweah, Kings, and Tule Rivers. Unsecured and uprooted material can be carried down a river, clogging channels and piling up against trestles and bridge abutments that can, in turn, give way or collapse, increasing blockage and flooding potential. Flooding can force waters out of the river channel and above its ordinary floodplain. Confined floodplains can result in significantly higher water elevations and higher flow rates during high runoff and flood events."[31]

"Dam failure can result from numerous natural or human activities, such as earthquakes, erosion, improper siting, rapidly rising flood waters, and structural and design flaws. Flooding due to dam failure can cause loss of life, damage to property, and other ensuing hazards. Damage to

[28] Tulare County General Plan 2030 Update Background Report. Page 8-13.
[29] "*California Water Plan Update 2009, Tulare Lake Hydrologic Region"*. Page TL-30.
[30] Tulare County General Plan 2030 Update Background Report. Page 8-14.
[31] Ibid.

electric-generating facilities and transmission lines associated with hydro-electric dams could also affect life support systems in communities outside the immediate hazard area."[32]

REGULATORY SETTING

Federal Agencies & Regulations

Clean Water Act/NPDES

"The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972… Under the CWA, EPA has implemented pollution control programs such as setting wastewater standards for industry. We have also set water quality standards for all contaminants in surface waters… The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters."[33]

Safe Drinking Water Act

"The Safe Drinking Water Act (SDWA) is the main federal law that ensures the quality of Americans' drinking water. Under SDWA, EPA sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards… SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (SDWA does not regulate private wells which serve fewer than 25 individuals.)"[34]

United States Environmental Protection Agency (EPA)

The mission of EPA is to protect human health and the environment.
"EPA's purpose is to ensure that:

- all Americans are protected from significant risks to human health and the environment where they live, learn and work;

[32] Op. Cit. 8-17.

[33] U.S. Environmental Protection Agency. Summary of the Clean Water Act – http://www.epa.gov/lawsregs/laws/cwa.html. Accessed March, 2019.

[34] U.S. Environmental Protection Agency. Summary of the Safe Drinking Water Act – http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm. Accessed March 2019.

- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy;
- all parts of society -- communities, individuals, businesses, and state, local and tribal governments -- have access to accurate information sufficient to effectively participate in managing human health and environmental risks;
- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment."[35]

Army Corps of Engineers (Corps)

"The Department of the Army Regulatory Program is one of the oldest in the Federal Government. Initially it served a fairly simple, straightforward purpose: to protect and maintain the navigable capacity of the nation's waters. Time, changing public needs, evolving policy, case law, and new statutory mandates have changed the complexion of the program, adding to its breadth, complexity, and authority.

The Regulatory Program is committed to protecting the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands."[36]

National Flood Insurance Program

In 1968, Congress created the National Flood Insurance Program (NFIP). "The Act was motivated by the devastating loss of life and property by Hurricane Betsy in 1965 and created the National Flood Insurance Program (NFIP). Since then, the program has aimed to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners, renters and businesses, as well as by encouraging communities to adopt and enforce floodplain management regulations."[37] "These efforts help mitigate the effects of flooding on new and improved structures. Overall, the program reduces the socio-economic impact of

[35] U.S. Environmental Protection Agency. What we do. http://www.epa.gov/aboutepa/whatwedo.html. Accessed March 2019.
[36] Army Corps of Engineers http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx. Accessed March 2019.
[37] National Flood Insurance Program Summary: Accessed March 2019 at: https://www.fema.gov/nfip50.

disasters by promoting the purchase and retention of general risk insurance, but also of flood insurance, specifically."[38]

State Agencies & Regulations

The Porter-Cologne Water Quality Control Act

"Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), the State Water Resources Control Board (State Board) has the ultimate authority over State water rights and water quality policy. However, Porter-Cologne also establishes nine Regional Water Quality Control Boards (Regional Boards) to oversee water quality on a day-to-day basis at the local/regional level."[39]

State Water Quality Control Board

"The State Water Resources Control Board (State Water Board) was created by the Legislature in 1967. The joint authority of water allocation and water quality protection enables the State Water Board to provide comprehensive protection for California's waters.

The State Water Board consists of five full-time salaried members, each filling a different specialty position. Board members are appointed to four-year terms by the Governor and confirmed by the Senate."[40]

Regional Water Quality Control Board

"There are nine Regional Water Quality Control Boards (Regional Boards). The mission of the Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the State's waters, recognizing local differences in climate, topography, geology and hydrology. Each Regional Board has seven part-time members appointed by the Governor and confirmed by the Senate. Regional Boards develop "basin plans" for their hydrologic areas, issue waste discharge requirements, take enforcement action against violators, and monitor water quality."[41]

"The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges. Specific responsibilities and procedures of the Regional Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act."[42]

[38] National Flood Insurance Program. Accessed March 2019 at: https://www.fema.gov/national-flood-insurance-program.
[39] California Department of Water Resources. Porter-Cologne Water Quality Control Act Summary. Accessed March 2019 at: http://ceres.ca.gov/wetlands/permitting/Porter_summary.html.
[40] California Water Boards. Mission Statement. Accessed March 2019 at: http://www.waterboards.ca.gov/about_us/water_boards_structure/mission.shtml.
[41] Ibid.
[42] Central Valley Water Quality Control Board Accessed March 2019 at: http://www.swrcb.ca.gov/centralvalley/about_us/.

California Department of Water Resources (DWR)

DWR's mission is "To manage the water resources of California, in cooperation with other agencies, to benefit the state's people and to protect, restore, and enhance the natural and human environments."[43] DWR provides a summary of their responsibilities as follows; "Our responsibilities and duties include:

- Preventing and responding to floods, droughts, and catastrophic events
- Informing and educating the public on water issues
- Developing scientific solutions
- Restoring habitats
- Planning for future water needs, climate change impacts, and flood protection
- Constructing and maintaining facilities
- Generating power
- Ensuring public safety
- Providing recreational opportunities"[44]

In addition, DWR also conducts the follow:

> "Dam Safety - Engineers and engineering geologists review and approve plans and specifications for the design of dams throughout California and oversee their construction to ensure compliance.
>
> Education - We educate students and communities throughout California on water issues and water safety.
>
> Flood Preparedness - We work with communities and emergency responders to prepare for flood season.
>
> Science - Science is integral to our policy and management decisions – our scientists work in a wide range of specialties and develop solutions for the complexities of sustainable water management in California.
>
> Water Supply & Storage – We operate and maintain a complex water storage and supply system, transporting water more than 600 miles from north to south. We also regulate the use of groundwater, which accounts for at least 1/3 of all water use in California.
>
> Drought Mitigation - Because drought is a recurring feature of California's climate, drought preparedness is an ongoing activity that includes managing water supply reliability.
>
> Emergency Management - We protect life and property from catastrophic events such as flood, drought, and dam or levee failure.

[43] Department of Water Resources. "The DWR Mission". Accessed March 2019 at: https://water.ca.gov/
[44] California Department of Water Resources. Accessed March 2019 at: https://water.ca.gov/What-We-Do

Infrastructure - We're responsible for the construction, maintenance, evaluation, and safety of a number of water infrastructure facilities, including 34 storage facilities, 21 dams, and 705 miles of canals and aqueducts.

Recreation - The SWP provides extensive recreational activities, including camping, boating, swimming, hiking, and fishing. We invite the public to explore our 3 visitors centers.

Sustainability - Sustainability is one of our core values; the goal of our work is to ensure the ability of natural ecosystems to meet the needs of future generations."[45]

California Water Boards Central Valley - R5

The California Water Boards Central Valley – R5 (Region 5) defines their missions as, "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."[46] In addition, the CA Water Boards Central Valley – R5 indicates their Duty as, "The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges. Specific responsibilities and procedures of the Regional Boards and the State Water Resources Control Board are contained in the **Porter-Cologne Water Quality Control Act**."[47]

SB 610 (Costa, 2001)

This Bill requires additional information to be included as part of an urban water management plan if groundwater is identified as a source of water available to the supplier. This law also requires an urban water supplier to include in the plan a description of all water supply projects and programs that may be undertaken to meet total projected water use.

SB 221 (Kuehl, 2001)

This Bill prohibits approval of a tentative subdivision map, or a parcel map for which a tentative subdivision map is not required, or a development agreement for a subdivision of property of more than 500 dwelling units unless the city or county provides written verification from the applicable public water system that a sufficient water supply is available. In addition, the law requires the city or county make a finding that sufficient water supplies are, or will be, available prior to completion of the project.

[45] California Department of Water Resources. Accessed March 2019 at: http://www.water.ca.gov/about/mission.cfm.
[46] The California Water Boards Central Valley – R5. Accessed March 2019 at: https://www.waterboards.ca.gov/centralvalley/about_us/
[47] Ibid.

Local Policy & Regulations

Tulare County Environmental Health Services

"The mission of the Division of Environmental Health is to enhance the quality of life in Tulare County through implementation of environmental health programs that protect public health and safety as well as the environment. We accomplish this goal by overseeing and enforcing numerous different programs, from food facility inspections to hazardous waste. All of our inspectors are licensed and/or certified in the field that they practice in and participate in continuing education to maintain licensure."[48] This division requires water quality testing of public water systems. Any project that involves septic tanks and water wells within Tulare County is subject to approval by this agency. All recommendations provided by this division will be added as mitigation measures to ensure reduction of environmental impacts.

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed as follows:

PF-4.14 Compatible Project Design - The County may ensure proposed development within CACUABs is compatible with future sewer and water systems, and circulation networks as shown in city plans.

AG-1.17 Agricultural Water Resources - The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture. The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture.

HS-4.4 Contamination Prevention - The County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

HS-5.2 Development in Floodplain Zones - The County shall regulate development in the 100-year floodplain zones as designated on maps prepared by FEMA in accordance with the following:

1. Critical facilities (those facilities which should be open and accessible during emergencies) shall not be permitted.
2. Passive recreational activities (those requiring non-intensive development, such as hiking, horseback riding, picnicking) are permissible.
3. New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructure, and ensure safe access and evacuation during flood conditions.

[48] Tulare County Environmental Health Division, Who Are We. Accessed March 2019 at: https://tularecountyeh.org/eh/index.cfm/about-us/who-are-we/

HS-5.4 Multi-Purpose Flood Control Measures - The County shall encourage multipurpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values of the County's streams, creeks, and lakes. Where appropriate, the County shall also encourage the use of flood and/or stormwater retention facilities for use as groundwater recharge facilities.

HS-5.9 Floodplain Development Restrictions - The County shall ensure that riparian areas and drainage areas within 100-year floodplains are free from development that may adversely impact floodway capacity or characteristics of natural/riparian areas or natural groundwater recharge areas.

HS-5.11 Natural Design - The County shall encourage flood control designs that respect natural curves and vegetation of natural waterways while retaining dynamic flow and functional integrity.

WR-2.1 Protect Water Quality - All major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. The County shall confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site.

WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement - The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program as implemented by the Water Quality Control Board.

WR-2.3 Best Management Practices (BMPs) - The County shall continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities, agricultural operations requiring a County Permit and urban runoff in coordination with the Water Quality Control Board.

WR-2.4 Construction Site Sediment Control - The County shall continue to enforce provisions to control erosion and sediment from construction sites.

WR-2.5 Major Drainage Management - The County shall continue to promote protection of each individual drainage basin within the County based on the basins unique hydrologic and use characteristics.

WR-2.6 Degraded Water Resources - The County shall encourage and support the identification of degraded surface water and groundwater resources and promote restoration where appropriate.

WR-2.8 Point Source Control - The County shall work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the California Environmental Quality Act review and project approval process) and monitored to ensure long-term compliance.

WR-3.3 Adequate Water Availability - The County shall review new development proposals to ensure the intensity and timing of growth will be consistent with the availability of adequate water supplies. Projects must submit a Will-Serve letter as part of the application process, and provide evidence of adequate and sustainable water availability prior to approval of the tentative map or other urban development entitlement.

WR-3.5 Use of Native and Drought Tolerant Landscaping - The County shall encourage the use of low water consuming, drought-tolerant and native landscaping and emphasize the importance of utilizing water conserving techniques, such as night watering, mulching, and drip irrigation.

WR-3.6 Water Use Efficiency - The County shall support educational programs targeted at reducing water consumption and enhancing groundwater recharge.

WR-3.10 Diversion of Surface Water - Diversions of surface water or runoff from precipitation should be prevented where such diversions may cause a reduction in water available for groundwater recharge.

IMPACT EVALUATION

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Project Impact Analysis: ***Less Than Significant Impact***

"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant" (Hydrology and Water Quality Report) report (prepared by qualified expert consultants Mason GeoScience), included in Appendix "E" of this document, contains an in-depth analysis regarding the Project's impact to this resource item.

"Septic System

The Onsite Wastewater Treatment System (OWTS) is located on the west side of the office and is constructed with a dual chamber septic tank that is four feet wide by nine feet long by four feet deep and approximately 1,000 gallon volume. Effluent from the septic tank is leached into a four foot diameter by 30 foot deep concrete lined seepage pit. Available information for the septic system indicates it was repaired in January 1978. The septic system

was utilized for onsite use. According to the site owner, the currently permitted OWTS is functioning and is expected to be utilized for the proposed operations.

Onsite wastewater systems in the area are served by private septic systems. The City of Visalia Boundary is located on the north side of Avenue 280, north of the site. There are no city sewer or stormwater conveyance structures near the site.

On April 5, 2018, the State Water Resources Control Board (SWRCB) approved the Local Agency Management Program (LAMP) for Tulare County. The Central Valley Regional Water Quality Control Board approved Resolution R5-2018-0009 applies to the Local Agency Management Program (LAMP) for the Tulare County Resource Management Agency and Tulare County Environmental Health Division (CRWCQB, 2018).

The LAMP provides a new regulatory framework for the permitting of Onsite Wastewater Treatment Systems (OWTS). The Tulare County Environmental Health Services Division (TCEHSD) prepared a document to advise local OWTS designers and other stakeholders of some of the major changes in the LAMP as follows (Tulare County, 2018).

The SWRCB adopted the final version of the Water Quality Control Policy for Siting, Design, Operation and Maintenance of OWTS in May 2013. Pursuant to Water Code Section 13291 (b)(3), the adopted policy describes requirements authorizing a qualified local agency to implement the adopted policy. The LAMP policies are developed by the local agencies based on local conditions. Approval of Tulare County's LAMP by the SWRCB allows the LAMP to become the standard by which the County will regulate OWTS. This approach allows for greater flexibility at the local level, rather than a "one size fits all" approach outlined by the State.

The LAMP covers the installation of new & replacement OWTS, as well as repair systems for existing OWTS. The LAMP is not intended to cover OWTS that have the following characteristics.

- Existing OWTS that are functioning normally.
- Proposed OWTS that will have design waste flow of greater than 3,500 gallons per day.
- OWTS with anticipated high amounts of fats, oils & grease (FOG), or OWTS with anticipated high values for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS).
- OWTS that will require nitrogen reduction to mitigate certain limiting conditions.
- OWTS with supplemental treatment systems

When the above listed special conditions apply to a proposed/replacement OWTS, the application for the OWTS may be referred to the SWRCB for review and/or permitting.

The project OWTS is currently functional and is expected to be utilized for the proposed operations. If the current system is functioning normally and does not meet any of the other

four characteristics outlined in bullet points above, it will not be required to fall under the conditions of the Tulare County LAMP and should be allowed for use considering it is fully functional and can handle design flows for proposed operations. If the on-site OWTS is not fully functional and meets any of the other four characteristics outlined in bullet points above, the system will not be covered by the Tulare County LAMP and will be referred to the SWRCB for review and/or permitting.

If new, replacement, or repair of the existing system is proposed or required for the site, the design and construction will fall under the Tulare County LAMP regulatory standards for the installation of new & replacement OWTS, as well as repair systems for the existing OWTS. It is our understanding that the project OWTS is permitted and fully functional and will be utilized for the proposed operations. Therefore, impact form the project OWTS is less than significant."[49]

In addition to septic systems, the Hydrology and Water Quality Report also provided in-depth analysis for potential stormwater impacts as a result of the Project and provides substantial evidence that the Project would result in less than significant impact.

"Stormwater

The Federal Clean Water Act, as amended in 1987, is the principal legislation for establishing requirements or the control of stormwater pollutants from urbanization and related activities. The State Porter-Cologne Act (Water Code 13000, et seq.) is the principal legislation for controlling stormwater pollutants in California. In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges, including discharges associated with construction activities, under the NPDES Program (CSQA Industrial/Commercial, 2003).

In California, the State Water Resources Control Board (SWRCB) through the nine Regional Water Quality Control Boards (RWQCB) administers the NPDES stormwater permitting program. For industrial facilities and construction activities, the SWRCB elected to issue statewide general permits that apply to all stormwater discharges requiring an NPDES permit (CSQA Industrial/Commercial, 2003).

Construction and commercial activities regarding stormwater best management practices (BMPs) for the site should be identified under a Stormwater Pollution Prevention Plan (SWPPP). BMPs are measures to prevent or mitigate pollution. Potential sources of pollution could include maintenance of machinery, the asphalt plant, and concrete plant. Pollutants

[49] "*The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant*" report (Hydrology and Water Quality report). September 2018. Pages 29-30. Prepared by Mason GeoScience, included in Appendix "E" of this document.

could include petroleum hydrocarbons such as oil and grease, gasoline constituents, diesel constituents, natural gas, and suspended solids.

SWPPP requirements include the following (General Permit, 2012).

The discharger shall ensure that the Storm Water Pollution Prevention Plans (SWPPPs) for all traditional project sites are developed and amended or revised by a qualified SWPPP Developer (QSD). The SWPPP shall be designed to address the following objectives:

1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled.
2) Where not otherwise required to be under a Regional Water Board permit, all non-storm water discharges are identified and either eliminated, controlled, or treated.
3) Site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the BAT/BCT standard.
4) Calculations and design details as well as BMP controls for site run-on are complete and correct.
5) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.

To demonstrate compliance with requirements of the General Permit, the QSD shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs. The discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio/telephone.

For construction activities, selection and implementation of best management practices (BMPs) is based on the pollution risks associated with the construction activity. The pollution prevention objectives of BMPs are defined based on a review of information gathered during the assessment of the site and planned activities (CSQA Construction, 2003). Once defined, BMP objectives are developed and BMPs selected. The BMP objectives for construction projects are as follows:

- Control of Erosion, and Discharge of Sediment:
  - Minimize Disturbed Areas: Only clear land which will be actively under construction in the near term (e.g., within the next 6-12 months), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed.

  - Stabilize Disturbed Areas: Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site. Provide permanent stabilization during finish grade and landscape the site.
  - Protect Slopes and Channels: Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible. Avoid disturbing natural channels. Stabilize temporary and permanent channel crossings as quickly as possible and ensure that increases in runoff velocity caused by the project do not erode the channel.
  - Control Site Perimeter: Delineate site perimeter to prevent disturbing areas outside the project limits. Divert upstream run-on safely around or through the construction project. Local codes usually state that such diversions must not cause downstream property damage or be diverted into another watershed. Runoff from the project site should be free of excessive sediment and other constituents. Control tracking at points of ingress to and egress from the project site.
  - Retain Sediment: Retain sediment-laden waters from disturbed, active areas within the site.
- Manage Non-Stormwater Discharges and Materials:
  - Practice Good Housekeeping: Perform activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off site to eliminate or avoid exposure.
  - Contain Materials and Wastes: Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas and keep stormwater from flowing onto or off of these areas. Prevent spills and clean up spilled materials.

BMPs for erosion and sediment control are selected to meet the BMP objectives based on specific site conditions, construction activities, and cost. Various BMPs may be needed at different times during construction since activities are constantly changing site conditions. Selection of erosion control BMPs should be based on minimizing disturbed areas, stabilizing disturbed areas, and protecting slopes and channels. Selection of sediment control BMPs should be based on retaining sediment on-site and controlling the site perimeter (CSQA Construction, 2003).

For commercial or industrial BMPs, they are commonly defined two ways: whether they are Non- Structural or Structural and whether they are Source Control or Treatment Control (CSQA Industrial/Commercial, 2003). The following provides a framework for selection of BMPs.

- Non-Structural BMPs - Generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from entering stormwater. They are generally low cost and low technology in nature.

- Structural BMPs - Some prevent the pollutants from reaching stormwater, such as a roof cover. Others treat or remove pollutants in stormwater, such as detention basins.

- Source Control BMPs - Prevent contact between stormwater and the pollution source and can be structural or non-structural. Examples of source control nonstructural and structural BMPs include using alternative less toxic chemicals and covering an activity area that is a pollutant source. Source control BMPs are preferred over treatment control BMPs because they are generally 100% effective if implemented properly and are usually, but not always less costly than treatment control BMPs.

Source Control BMPs include:

  - Non-Stormwater Management
    - Non-Stormwater Discharges
    - Spill Prevention, Control and Cleanup
  - Vehicle and Equipment Management
    - Vehicle and Equipment Fueling
    - Vehicle and Equipment Cleaning
    - Vehicle and Equipment Repair
  - Material and Waste Management
    - Outdoor Loading/Unloading
    - Outdoor Liquid Container Storage
    - Outdoor Equipment Operations
    - Outdoor Storage of Raw Materials
    - Waste Handling and Disposal
    - Safer Alternative Products
  - Building and Grounds Management
    - Contaminated or Erodible Areas
    - Building & Grounds Maintenance
    - Building Repair and Construction
    - Parking/Storage Area Maintenance
    - Drainage System Maintenance

- Treatment Control BMPs - Treat the stormwater to remove pollutant(s) and are structural by their basic nature. Treatment control BMPs are not 100% effective, even if maintained and operated properly. There is also uncertainty as to the effectiveness and reliability of treatment control BMPs.

  Treatment Control BMPs include:

  - Infiltration Trench
  - Infiltration Basin
  - Retention/Irrigation
  - Wet Pond
  - Constructed Wetland
  - Extended Detention Basin
  - Vegetated Swale
  - Vegetated Buffer Strip

- Bioretention
- Media Filter
- Water Quality Inlet
- Multiple Systems"[50]

"It is anticipated that a General Stormwater Industrial Facility permit and SWPPP will be obtained for the site. If the current OWTS does not meet Tulare County LAMP requirements, a new OWTS will be constructed to meet the new requirements. It is anticipated that the facility will have infrastructure and activities such as truck washing, proper waste management for items such as used oil, vehicle wash area oil/water separators, sediment traps, and collection sumps. Implementation of these activities and features will ensure less than significant impact."[51]

"Groundwater Quality

The California Department of Public Health's water system permit application indicates that any well serving drinking water to at least 25 persons for at least 60 days out of the year is a public water system. The facility is not expected to employ more than 25 workers for more than 60 days a year, therefore the site would be considered a non-community water system. The proposed project will utilize the existing domestic well and/or new agricultural well for potable uses associated with the project.

Site specific groundwater quality data were not available. Groundwater quality was assessed near the site from data obtained on the Geotracker GAMA website. Water quality parameters Nitrate as NO3, Nitrate as Nitrogen, and Specific Conductance were evaluated from two Public Water Well System Wells near the site. One well is located at the Shell gasoline station approximately 0.8 mile upgradient and east of the site and the second well is located at Sycamore Academy 1.15 miles west and downgradient of the site.

The maximum value for SP in the Shell Water Well was 220 µs/cm between the range of dates analyzed from November 2007 and March 2018. The maximum value for Nitrate as NO3 was 3.2 mg/L and Nitrate as Nitrogen was 0.57 mg/L from January 2002 through March 2018. The measured parameters do not exceed the regulatory SMCL and MCL.

The maximum value for SP in the Sycamore Academy Water Well was 610 µs/cm between the range of dates analyzed from April 2004 and March 2016. The maximum value for Nitrate as NO3 in the Sycamore Academy Water Well was 35 mg/L between the range of dates analyzed from April 2004 and September 2015. There was no Nitrate as Nitrogen data available for the Sycamore Academy Water Well. Water quality parameters did not exceed the SMCL or MCL.

[50] Ibid. 29-33.
[51] Op. Cit. 37.

All infrastructure designed for the site will be constructed to local, state, and/or federal standards. All potential sources of pollution will be designed to retain the pollution and meet regulatory requirements. It is anticipated that the project will require preparation and approval of waste discharge requirements by the Central Valley Regional Water Quality Control Board. Therefore, violation of water quality standards or waste discharge requirements well be less than significant."[52]

Further, as indicated in the Hydrology and Water Quality Report (see Appendix "E"), "It is anticipated that a General Stormwater Industrial Facility permit and SWPPP will be obtained for the site. If the current OWTS does not meet Tulare County LAMP requirements, a new OWTS will be constructed to meet the new requirements. It is anticipated that the facility will have infrastructure and activities such as truck washing, proper waste management for items such as used oil, vehicle wash area oil/water separators, sediment traps, and collection sumps. Implementation of these activities and features will ensure less than significant impact."[53]

As such, the Hydrology and Water Quality Report is used as the basis in determining that the Project will have a less than significant impact as project design features; Tulare County policies standards, ordinances, codes, etc.; and other regulatory agencies' rules, regulations, requirements, orders, standards, permits, thresholds, etc., are implemented as required by each respective agency. Therefore, the Project will not result in a violation of any water quality standards or waste discharge requirements and would result in a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on information provided in the Water Quality Control Plan for the Tulare Lake Basin and the requirements of Tulare County Environmental Health.

The proposed Project will be required to comply with the all requirements of the Central Valley Water Board and Tulare County Health Services Division (TCHSD). The proposed Project will be required to comply with Regional Water Quality Control Board and TCHSD rules/regulations, orders, permit requirements, etc., as a component of project design features, the proposed Project will not contribute to any cumulative impacts related to this Checklist Item.

Mitigation: ***None Required***.

Conclusion: ***Less Than Significant Impact***

[52] Op. Cit. 34.
[53] Op. Cit. 37.

With implementation of design features and the other requirements noted above, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a ***Less Than Significant Impact***.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Project Impact Analysis: ***Less Than Significant Impact***

A noted earlier, the Hydrology and Water Quality Report was prepared for this Project. The report also provides an in-depth analysis regarding groundwater supply and recharge capabilities. The conclusions contained in the report support a determination that the Project will result in a less than significant impact to this resource.

"The project owner has indicated the project will require 5,000 to 6,000 gallons of water for daily operations; equal to 3.5 to 4.2 gallons of flow per minute from the newly constructed agricultural well located near the northeast corner of the site. Based on these estimates, total annual flow is estimated to be 5.60 to 6.72 acre-feet per year. Anticipated water use for the project will be from the office, dust control, landscaping, and the concrete and asphalt plants.

It is estimated that a one-acre rural residential property with one domestic well utilizes approximately 2.0 to 3.0 acre-feet per year depending on home size and irrigation use. The total estimated groundwater usage for the project of between 5.60 and 6.72 acre-feet is approximately twice that of the average rural residential property with a domestic well. Therefore, depletion of groundwater by the project will be less than significant.

The estimated change in storage beneath the 19.98 acre site was calculated with change in groundwater elevation across various date range spanning the years 2003 through 2018 in the fall and spring seasons. These temporal and groundwater elevation data were reviewed from the Department of Water Resources GICIMA. The 2013 California Water Plan reports minimum and maximum specific yields values for the southern San Joaquin Valley aquifer system of 0.07 and 0.17. Table 3 [in the report, **Table 3.10-3** herein] shows the calculated minimum and maximum change in storage beneath the site for various date ranges.

The minimum specific yield (0.07), 19.98 acre site, and groundwater elevation changes yielded a minimum change in storage of 1.1 acre-feet and a maximum of 69.9 acre-feet. The average change in storage was 28.5 acre-feet across all date ranges [See **Table 3.10-3**, part of Table 3 in the report].

The maximum specific yield (0.17), 19.98 acre site, and groundwater elevation changes yielded a minimum change in storage of 2.7 acre-feet and a maximum of 169.8 acre-feet. The average change in storage was 67.5 acre-feet across all date ranges [See **Table 3.10-3** (part of Table 3 in the report)].

Table 3.10-3
Change in Storage Beneath Site – Date Ranges 2003 through 2018

Acres of Site	19.98
Specific Yield, Sy =	
0.07 (min.)	0.17 (max.)

Date Range	Elevation Change (Feet)	Change in Storage Acre-Feet (Sy = 0.07)	Change in Storage Acre-Feet (Sy = 0.17)
S2018-S2017	10	14.0	34.0
S2018-S2015	**0.8**	1.1	2.7
S2018-S2013	**15.5**	21.7	52.6
S2018-S2008	30	42.0	101.9
F2017-F2016	10	14.0	34.0
F2017-F2012	20	28.0	67.9
S2017-S2016	10	14.0	34.0
S2017-S2014	18	25.2	61.1
F2016-F2011	30	42.0	101.9
S2016-S2015	10	14.0	34.0
S2016-S2013	40	55.9	135.9
S2016-S2011	45	62.9	152.8
S2016-S2006	50	69.9	169.8
F2015-F2012	20	28.0	67.9
S2015-S2014	**9**	12.6	30.6
S2015-S2012	**29.3**	41.0	99.5
F2014-F2013	**9**	12.6	30.6
F2014-F2011	**22.3**	31.2	75.7
S2014-S2013	**7.3**	10.2	24.8
S2013-S2012	**13**	18.2	44.2
S2013-S2003	18	25.2	61.1
	MAXIMUM	69.9	169.8
	MINIMUM	1.1	2.7
	ARITHMETIC MEAN	28.5	67.5

Notes: **Values in Bold = Nearby Well 19S24E08D002M**
Values in Black = Interpolated from GICIMA Contours'
*Data from DWR Groundwater Information Center Interactive Map Application
**Specific Yield values from 2013 California Water Plan Update
Source: Hydrology and Water Quality Report. Page 35. (Included in Appendix "E" of this document).

The overall calculated changes in storage beneath the site ranged from 1.1 acre feet to 169.8 acre-feet. One date range, from spring 2015 to spring 2018 included a groundwater elevation change of 0.8 feet and yielded a change in storage between those years of 1.1 acre-feet. Most of the calculated changes in storage were a magnitude larger than the minimum and were greater than the estimated changes in storage for the site of 5.60 to 6.72 acre-feet. Therefore, based on historical changes in groundwater beneath the site, the planned 5,000 to 6,000 gallon per day of groundwater usage for the project, and reliability of the water source, the project is not expected to substantially deplete or lower the groundwater table around the site and is less than significant.

We estimate approximately 19.0 acres of the site will be graded and covered with gravel and DG surfacing based on the provided site plan overlain on Figure 2 [in the report]. Run-off and run-on to the site is expected to be controlled with engineered grading. The project is anticipated to include a storm water basin engineered to handle surface water runoff and will also provide recharge. Therefore, the project will not substantially deplete recharge and impact is less than significant."[54]

With the implementation of regulatory agencies' (e.g., Regional Water Quality Control Board and TCHSD) rules/regulations, orders, permit requirements, etc., as a component of project design features, proposed Project impacts related to this Checklist Item will result in a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on the information provided in the "*California Water Plan Update 2009" and "California Water Plan Update 2013", Regional Report 3, Tulare Lake*.

As part of the Tulare County General Plan 2030, a number of large projects were identified in the General Plan Draft EIR. After considering these projects, it was noted in the General Plan Draft EIR that a cumulative unavoidable impact to ground water supply would occur.

With the implementation of regulatory agencies' (e.g., Regional Water Quality Control Board and TCHSD) rules/regulations, orders, permit requirements, etc., as a component of project design features, the cumulative impacts related to this Checklist Item would be ***Less Than Significant.***

Mitigation: ***No Required.***

Conclusion: ***Less Than Significant Impact***

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- **i) Result in substantial erosion or siltation on- or off-site?**
- **ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**
- **iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Project Impact Analysis: ***Less Than Significant Impact***

[54] Op. Cit. 34-36.

i) – iii) - As indicated in the Hydrology and Water Quality Report (see Appendix "E" of this DEIR), "The project will require an engineered grading plan to control surface water runoff and divert the runoff to an on-site stormwater pond. Based on the proposed sit plan, a majority of the site will be covered in DG or gravel and the remaining portion around the office is to be paved asphalt. Engineered grading to include gravel/DG surface cover will significantly impede erosion of surface soils on and off site.

The site is not crossed by any rivers, streams, canals, or irrigation ditches. The South Fork of the Persian Ditch is located 1,110-feet northwest of the site. Evans Ditch is located 1,180-feet southeast of the site. These ditches direct surface water for irrigation of surrounding farmland. These surface water features are not expected to inundate the site under normal flow conditions throughout the year and their drainage pattern will not be altered due to the project and therefore is considered less than significant impact."[55]

"The surface topography of the site is relatively flat. Grading for the site is anticipated to include an engineered grading design approved and permitted by Tulare County. The final grading of the site should control the drainage pattern of the site to a stormwater retention pond. A majority of the site will be covered in DG or gravel and the remaining portion around the office is to be paved asphalt. Engineered grading to include gravel/DG surface cover will allow surface flow to be directed to an on-site retention pond. In addition, drainage around the surrounding area of the concrete batch plant will be conveyed to a collection point onsite for containment and recycling further controlling site surface water flow. Figure 2 [in the Hydrology and Water Quality Report included in Appendix "E" of this DEIR] shows possible locations of the stormwater basin and recycled water containment. Final locations for these two features will be based on a final engineered design prepared by a California licensed Civil Engineer and may be located at other locations other than shown. Changes to the site drainage pattern will not impact the nearby Persian of Evans ditches and therefore will be no impact."[56]

Further, as also noted in the Hydrology and Water Quality Report, "It is anticipated that a SWPPP will be prepared for the site and a stormwater basin will be constructed to have adequate capacity for a 50 year storm event. As such, no impacts are expected to occur."[57]

Therefore, based on expert opinion/conclusion contained in the Hydrology and Water Quality Report (see Appendix "E" of this DEIR) prepared by qualified experts/consultants Mason GeoScience, the Project would result in a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. Alteration of a stream or river would be subject to the regulations of the U.S. Army Corps of Engineers and the

[55] Op. Cit. 36-37.
[56] Op. Cit. 37.
[57] Op. Cit. 37.

California Department of Fish and Wildlife. Tulare County 2030 General Plan EIR, and/or "The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant" report (Hydrology and Water Quality Report, included in Appendix "E" of this document) prepared by consultants Mason GeoScience.

The proposed Project will not affect the drainage pattern of any off-site parcels, therefore, a Less Than Significant Impact related to this Checklist Item will occur.

As there will be a Less Than Significant Project-Specific impact, there will also be a ***Less Than Significant Cumulative Impact***.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, the Project would result in a ***Less Than Significant Project-specific or Cumulative Impact*** related to this Checklist Item.

d) In flood hazard, tsunami, or seich zones, risk release of pollutants due to project inundation?

Project Impact Analysis: ***No Impact***

As indicated in the Hydrology and Water Quality Report (see Appendix "E" of this DEIR) prepared by qualified experts/consultants Mason GeoScience, "The project site is not located by the ocean, near a lake shore, or in areas of steep slopes and is therefore no impact." As such, it can reasonably be concluded that the Project would result in ***No Impact***.

Cumulative Impact Analysis: ***No Impact***

This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, Tulare County 2030 General Plan EIR, and/or *"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant"* report (Hydrology and Water Quality Report, included in Appendix "E" of this document) prepared by consultants Mason GeoScience.

As noted earlier, the proposed Project is not located near a large body of water, the coast or hillsides. The proposed Project will not have any impacts related to this Checklist item on other off-site parcels. ***No Cumulative Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impact*** related to this Checklist Item will occur.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Project Impact Analysis: ***Less Than Significant Impact***

As the County of Tulare does not have an adopted water quality control plan or sustainable groundwater management plant, the Project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Further, as indicated in the Hydrology and Water Supply report (see Appendix "E"), and analyzed in item a), above, the Project is anticipated to use approximately 5.60-6.72 acre-feet (or approximately 0.06 – 0.04%) of the estimated maximum 169.8 acre-feet beneath the site. As such, based on the opinion/conclusion by qualified experts/consultants Mason GeoScience, the Project would result in a ***Less Than Significant Impact*** to this resource Item.

Cumulative Impact Analysis: ***Less Than Significant Impact***

This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, Tulare County 2030 General Plan EIR, and/or "*The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant*" report (Hydrology and Water Quality Report, included in Appendix "E" of this document) prepared by consultants Mason GeoScience.

Therefore, based on the estimated groundwater usage, the proposed Project will not have any impact related to this Checklist Item and ***No Cumulative Impact*** related to this Checklist Item will occur

Mitigation Measure(s): ***None Required.***

Conclusion: ***Less Than Significant Impact***

ACRONYMS

AF	Acre-feet
AMP	Agricultural Management Plan
CIMIS	California Irrigation Management Information System
CWA	Federal Clean Water Act
DWR	State of California Department of Water Resources
EPA	United States Environmental Protection Agency
LAMP	Local Agency Management Program
MCL	Maximum Contaminant Level
M&I	Municipal and Industrial
MW	Megawatts
NFIP	National Flood Insurance Program (NFIP)
O&M	Operation and Maintenance
PCE	Tetrachloroethylene
SDWA	Safe Drinking Water Act
TCE	Trichloroethylene
TDS	Total Dissolved Solids
UWMP	Urban Water Management Plan
WSA	Water Supply Assessment

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Land Use and Planning
Chapter 3.11

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impacts*** to Land Use and Planning. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Land Use and Planning. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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 will 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."[1]

The "Environmental Setting" provides a description of the Land Use and Planning setting in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County

[1] CEQA Guidelines, Section 15126.2.

2030 General Plan, Tulare County General Plan Background Report and/or Tulare County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Divide Community
- Conflict with applicable land use pan policy, or regulation of an agency with jurisdiction over the Project
- Conflict with applicable habitat conservation plan

ENVIRONMENTAL SETTING

Tulare County

"Tulare County is located in a geographically diverse region with the majestic peaks of the Sierra Nevada framing its eastern region, while its western portion includes the San Joaquin Valley floor, which is very fertile and extensively cultivated. In addition to its agricultural production, the County's economic base also includes agricultural packing and shipping operations. Small and medium size manufacturing plants are located in the western part of the county and are increasing in number. Tulare County contains portions of Sequoia National Forest, Sequoia National Monument, Inyo National Forest, and Kings Canyon National Park. Sequoia National Park is entirely contained within the county."[2]

"The County encompasses approximately 4,840 square miles of classified lands (lands with identified uses) and can be divided into three general topographical zones: a valley region; a foothill region east of the valley area; and a mountain region just east of the foothills. The eastern half of the county is generally comprised of public lands, including the Mountain Home State Forest, Golden Trout Wilderness area, and portions of the Dome Land and south Sierra Wilderness areas. Federal lands, which include wilderness, national forests, monuments and parks, along with County parks, make up 52 percent of the County, the largest percentage found in the County. Agricultural uses, which include row crops, orchards, dairies, and grazing lands on the Valley floor and in the foothills total over 2,020 square miles or about 43 percent of the entire County. Urban uses such as incorporated cities, communities, hamlets, other unincorporated urban uses, and infrastructure rights-of-way make up the remaining land in the County."[3]

As indicated in the 2018 Regional Transportation Plan & Sustainable Communities Strategy (RTP), Program Environmental Impact Report (SCH #20171010374); "The following eight incorporated cities are located in Tulare County: Dinuba, Exeter, Farmersville, Lindsay,

[2] Tulare County General Plan 2030 Update RDEIR. Page 3.1-5. Accessed March 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf
[3] Ibid. 3.1-6.

Porterville, Tulare, Visalia and Woodlake. The unincorporated communities of Tulare County are: Alpaugh, Cutler/Orosi, Ducor, Earlimart, East Orosi Goshen, Ivanhoe, Lemon Cove, London, Pixley, Plainview, Poplar/Cotton Center, Richgrove, Springville, Strathmore, Sultana, Terra Bella, Three Rivers, Tipton, Traver, and Woodville. The City of Visalia is the largest city within Tulare County with an estimated population of 128,738 in 2017 accounting for approximately 28 percent of all residents in Tulare County. The City of Tulare is the second largest city with an estimated population (in 2017) of 61,664 followed by Porterville with 58,472 residents. The smallest city is Woodlake with a population of 7,567. As of 2017, the population of Tulare County was 471,842 people."[4] Also, the RTP indicates that Tulare County's "Current population is expected to grow to 604,969 persons by 2042 (a difference of 133,127 persons), the horizon year for the RTP."[5]

In addition to population, the 2018 RTP included Year 2017 employment and forecasts employment 2042. Tulare County's overall jobs were estimated to be 176,289 in 2017 and forecast to grow 220,210 in 2042.[6] As of June 2019, about 187,700 people were employed in Tulare County and the unemployment rate was 9.1%.[7] By comparison, the statewide unemployment rate was 4.2% during that month, while the national rate was 3.7% in June 2019.[8]

REGULATORY SETTING

Federal Agencies & Regulations

Federal Endangered Species Act

"Through federal action and by encouraging the establishment of state programs, the 1973 Endangered Species Act provided for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The Act:

- authorizes the determination and listing of species as endangered and threatened;
- prohibits unauthorized taking, possession, sale, and transport of endangered species;
- provides authority to acquire land for the conservation of listed species, using land and water conservation funds;
- authorizes establishment of cooperative agreements and grants-in-aid to States that establish and maintain active and adequate programs for endangered and threatened wildlife and plants;

[4] Tulare County Association of Governments. 2018 Regional Transportation Plan & Sustainable Communities Strategy Program Environmental Impact Report. Pages 4.7-1 thru 4.7-2 Accessed March 2019 at: http://www.tularecog.org/wp-content/uploads/2018/05/4.7-Land-Use-and-Planning.pdf

[5] Ibid. 3.0 Project Description Page. 3.0-13. Accessed March 2019 at: http://www.tularecog.org/wp-content/uploads/2018/05/3.0-Project-Description.pdf.

[6] Op. Cit. 3.0-39.

[7] State of California Employment Development Department. Accessed August 2019 at: https://www.labormarketinfo.edd.ca.gov/geography/tulare-county.html

[8] State of California Employment Development Department. Accessed August 2019 at: https://www.edd.ca.gov/About_EDD/pdf/urate201907.pdf.

- authorizes the assessment of civil and criminal penalties for violating the Act or regulations;
- authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the Act or any regulation issued there under."[9]

State Agencies & Regulations

California Department of Fish and Wildlife

The Mission of the Department of Fish and Wildlife (CDFW) is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.[10] The Department of Fish and Game maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses. CDFW also regulates the modification of the bed, bank, or channel of a waterway under Sections 1601-1607 of the California Fish and Game Code.[11]

California Endangered Species Act

"The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The Department will work with all interested persons, agencies and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met."[12]

Local Policy & Regulations

Tulare County Association of Governments

"[The Tulare County Association of Governments] TCAG is committed to improving the quality of life for residents and visitors throughout Tulare County. We prove our commitment by addressing congestion using a preventative approach. We coordinate regional transit programs to make getting around easy and convenient. We have improved air quality and strive to continue to meet national standards. We responsibly use the extra hard earned tax dollars that the people of

[9] U.S. Fish and Wildlife Service. Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service. https://www.fws.gov/laws/lawsdigest/esact.html. Accessed March 2019.
[10] California Department of Fish and Wildlife. Explore: Mission Statement. https://www.wildlife.ca.gov/Explore.aspx. Accessed March 2019.
[11] Tulare County General Plan 2030 Update, Background Report. Page 9-7.
[12] California Department of Fish and Wildlife. California Endangered Species Act. http://www.dfg.ca.gov/habcon/cesa/. Accessed March 2019.

Tulare County bring in to us from the passage of Measure R under the supervision of the board and citizen's review committee. We address current and future rail needs and possibilities with a forward thinking approach. We gather important data which is used by the census and the public to properly forecast housing and transit needs. We also manage the abandoned vehicle program for the county, and do a whole lot more. We are thrilled to be a part of one of the largest agricultural centers in the world, and are preparing the region for forecasted growth predicted to make Tulare County the fastest growing region in California."[13] TCAG's 2009 Regional Blueprint includes a goal of a 25% increase in land use densities facilitated with urban growth and expansion of transportation facilities.

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

ED-2.2 Land Requirements - The County shall ensure there is capacity for new and expanding businesses by:

1. Reserving sufficient locations for industry, recognizing industry's need for greater land requirements;
2. Recognizing the need for a variety of locations to avoid creation of a monopoly of the industrial land market and to reflect varying requirements for transportation facilities and utility services; and
3. Reserving land for exclusive industrial use to encourage development of like industries that complement each other and to prevent encroachment on industrial areas by incompatible uses.

ED-2.3 New Industries - The County shall encourage new industries to locate within cities, unincorporated communities, hamlets, regional growth corridors, and other unincorporated County areas where appropriately zoned. The County, in cooperation with cities and communities will identify locations for industrial uses in unincorporated areas around cities consistent with the cities' economic development strategies, taking into account opportunities offered by variations in local environmental conditions.

ED-3.1 Diverse Economic Base - The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services, and commerce, and by expanding its efforts to encourage industrial development including the development of energy resources.

LU-5.1 Industrial Developments - The County shall encourage a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base.

[13] Tulare County Council of Governments (TCAG) Website. What We Do. Accessed March 2019 at: http://www.tularecog.org/aboutus/.

LU-5.4 Compatibility with Surrounding Land Use - The County shall encourage the infill of existing industrial areas and ensure that proposed industrial uses will not result in significant harmful impacts to adjacent land uses.

Impact Evaluation

Would the project:

a) Physically divide an established community?

Project Impact Analysis: ***No Impact***

The proposed Project does not include the construction of a major highway or railroad track. The site is west of the City of Visalia city limit; however, it is located within the Visalia Urban Area Boundary (UAB). Despite its proximity to Visalia, it is nonetheless outside of Visalia's UAB and subject to the Memorandum of Understanding between the City of Visalia and County of Tulare. The County's County Adopted City UAB development policies are referenced in a Memorandum of Understanding (MOU) between the County and City of Visalia that was executed on November 19, 2012. The MOU reiterates that properties located within the CACUAB/UAB are subject to the Tulare County General Plan.

The Project lies within a CACAUB where the Rural Valley Lands Plan checklist is not applicable in either a formal or advisory capacity. As such, the RVLP Checklist is not applicable to the project. Therefore, the Project site is eligible to receive a special use permit which would allow the Project to proceed toward development consistent with Conditions of Approval, implementation of Mitigation Measures where appropriate, project design features, and other agencies' applicable guidelines, orders, permits, regulations, rules, standards, thresholds, etc.

Therefore, ***No Project-specific Impact*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

With No Project-specific Impacts, ***No Cumulative Impacts*** will also occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Project Impact Analysis: ***Less Than Significant Impact***

As discussed in Item a), earlier, the Project is consistent with the Tulare County General Plan, Zoning Ordinance, CACUAB for Visalia, and complies with the Memorandum of Understanding between the County of Tulare and City of Visalia. Lastly, Tulare County is located in the Central Valley and does not border a coastline; as such, projects located within Tulare County could not possibly impact a local coastal program.

Table 3.11-1 provides a summary of the Project's consistency with applicable goals, objectives, and policies of the Tulare County General Plan and the Memorandum of Understanding between the County of Tulare and City of Visalia.

Table 3.11-1
General Plan Consistency Analysis

Chapter – Element	No.	Goal/Objective/Policy Text	Consistency Determination
Planning Framework	**4.18**	Future Land Use Entitlements in a CACUDB The County may work with an individual city to limit any General Plan amendments to change the land use designations of any parcel or any amendments to the County zoning ordinance to add uses to a current zoning classification or change the zoning district designation of any parcel within a CACUDB except as follows: 1. This policy will not apply to amendments or changes to a County unincorporated UDB, Hamlet Development Boundary (HDB), including where the boundary line may increase an outward expansion of the overlap area with a CACUDB area that is not coterminous to the city's Urban Development Boundary/Sphere of Influence (UDB or SOI), or to any General Plan amendment adopting a new County unincorporated UDB, an HDB, or Planned Community, County Corridor development nodes will not be located inside a city's UDB or SOI unless mutually agreed by the City and County. 2. This policy will not apply where the General Plan land use designation or the zoning district classification of a particular parcel is inconsistent with an existing special use permit, or legal non-conforming use. 3. As determined by the RVLP checklist, the County shall encourage beneficial reuse of	**Yes:** The Project lies within a CACAUB, where the RVLP Checklist is not applicable in either a formal or advisory capacity. Therefore, the RVLP Checklist is not applicable to the project. City of Visalia provided comments to the Tulare County during the Project Review Committee (PRC) process. In summary, the City expressed concerns that the Project: (a) Is inconsistent with the City's Land Use Element designation for Agriculture along Avenue 280, specifically, that a batch plant would disrupt the commercial agricultural nature of the area; (b) If the Site remains unpaved there is the potential for groundwater contamination (due to unforeseen spills of asphaltic soils and binders) and operations on unpaved surfaces would generate significant and prolonged air quality and visibility degradation due to fugitive dust and release of volatile and organic particulate matter; (c) Adequacy of SR 99/Avenue 280 interchange and the existing road network to accommodate additional truck trips and potential to create serious traffic safety conflict between slow turning trucks and commuting traffic; and (4) The economic benefit would not likely outweigh the detrimental impacts resulting from the Project at that location. The City further notes that it recognizes the importance of batch plants in the physical development and economic vitality of the County and its

Table 3.11-1 General Plan Consistency Analysis			
Chapter – Element	**No.**	**Goal/Objective/Policy Text**	**Consistency Determination**
		existing or vacant agricultural support facilities for new businesses (including nonagricultural uses), and for which the city cannot or will not annex as per PF-4.24. 4. This policy will not apply where the effect of the amendments to the General Plan land use designation or of the rezoning is to designate or zone the parcel to an agricultural designation or zone except where the effect of the amendment creates a less intensive agricultural designation or zone. 5. This policy will not apply where amendments to the General Plan land use designations or the zoning classifications apply only to that portion of a CACUDB that is overlapped (where exterior UDB's are coterminous) by a County unincorporated UDB, Hamlet Development Boundary (HDB), or Corridor Plan area. 6. This policy will not apply where amendment to the General Plan land use designation or the zoning classification is required to bring the County regulations into compliance with more restrictive State or Federal statutes or regulations. 7. This policy will not apply where amendments to the Zoning Ordinance are part of a comprehensive modernization or restructuring of the processes or procedures set out in the Zoning Ordinance or part of a comprehensive update to the text of the zoning classifications to bring the Zoning Ordinance procedures and text into consistency with the General Plan update. [This comprehensive modernization, restructuring or update would not include any rezoning outside that allowed in this policy. However, revision of processes and procedures and simplification of existing ordinances may occur.] 8. This policy would not apply to a comprehensive update of a CAC General Plan, including rezoning there under, in cooperation with the affected city. 9. This policy would not apply where the County has worked with the city to identify and structure a mutually acceptable alternative General Plan land use designation or zoning classification.	Cities. Lastly, the City further notes that "imposition of reasonable conditions" to mitigate environmental impacts include on-site surfacing of driving and parking areas, containment and control measures to preclude groundwater contamination, and measures to control fugitive dust and volatile [organic compounds] emissions generated by plant operations. The concerns expressed in the City's letters are addressed and analyzed in this EIR. See Section 3.11 at Items a), above, and b), also above, regarding land use consistency; Section 3.3 Air Quality (which includes compliance with applicable San Joaquin Unified Air Pollution control District permits, regulations, rules, etc.) regarding fugitive dust and all air emissions, including volatile organic compounds; Sections 3.8 Hazards and Hazardous Materials (which includes Mitigation Measures 8-1 and 8-2) and 3.9 Hydrology and Water Quality (which includes compliance with Tulare County General Plan Policies, Regional Water Quality Control Board and TCHSD rules/regulations, orders, permit requirements, etc., as a component of project design features, Section 3.17 Transportation (which includes mitigation in the form of an equitable share of unfunded portions of the SR 99/Avenue 280 interchange, as applicable) and Conditions of Approval as applicable to County roadways. Chapter 2 Project Description and Chapter 6 Economic, Social, and Growth-Inducing Effects, both contain discussions regarding economic impacts.

Table 3.11-1 General Plan Consistency Analysis			
Chapter – Element	**No.**	**Goal/Objective/Policy Text**	**Consistency Determination**
Planning Framework	**4.19**	Future Land Use Entitlements in a CACUAB. As an exception to the County policies that the Rural Valley Lands Plan (RVLP) does not apply within CACUDBs and is only advisory within CACUABs, the County may work with an individual city to provide that no General Plan Amendments or rezonings will be considered to change the current land use designation or zoning classification of any parcel within a CACUAB unless appropriate under the requirements of the Rural Valley Lands Plan (RVLP) or similar checklist or unless the County has worked with the city to identify and structure an acceptable alternative General Plan land use designation or zoning designation. This policy shall not apply within a County unincorporated UDB, an HDB, or Corridor Plan area where that area overlaps a CACUAB areas.	**Yes:** The proposed Project will be located within the County Adopted City Urban Area Boundary of Visalia, and as such, potential impacts are analyzed with regards to resources within the jurisdiction (i.e., General Plan and Zoning Ordinance) of the County of Tulare County and consistent with the MOU between the County of Tulare and City of Visalia.
Planning Framework	**4.21**	Application of RVLP Checklist to Control Development in a CACUAB. As an exception to the County policies that the Rural Valley Lands Plan is only advisory within CACUABs, the County may work with an individual city to provide that the requirements of the RVLP will apply to applications for special use permits (including special use permits for the expansion of a non-conforming use), variances considered under Government Code § 65906, or to the extent allowed by law, divisions of land within a CACUAB except in those areas that overlap with a County unincorporated UDB, an HDB, or Corridor Plan area. Such a special use permit, variance, or division of land will be reviewed in light of impacts on such regional concerns as water and sewage disposal availability and preservation of transportation and utility corridor.	**Yes:** This policy enables agreement between the County and cities to limit conversion of agricultural land for properties in the CACUAB/UAB to non-agricultural uses to those that qualify for such conversion under the RVLP. As stated in the policy, Corridor Plan Areas are a clear exception to this policy. Since the project is located in a Corridor Plan Area, this policy does not apply to the project, and would not apply even if the City and County agreed to otherwise apply the RVLP to development within the CACUAB. Therefore, the RVLP requirements of this policy do not apply to the project, in either a formal or advisory *capacity*. As such this policy will not apply to any use permits, variances or parcels maps if the Corridor Plan is approved.

The proposed Project is an appropriate use for the site, and as demonstrated in **Table 3.11-1**, the proposed Project will be consistent with applicable objectives, goals and policies outlined in the Tulare County General Plan 2030 Update as well as Memorandum of Agreement between the County of Tulare and City of Visalia.

As such, ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed issuance of a Special Use Permit does not include any variances and will not result in significant impact related to a conflict with a policy or plan. ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific and Cumulative Impacts*** related to this Checklist Item will occur.

ACRONYMS

CACUAB	County Adopted City Urban Area Boundary
CDFW	Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
DEIR	Draft Environmental Impact Report
EDD	State of California Employment Development Department
MOU	Memorandum of Understanding
RDEIR	Recirculated Draft Environmental Impact Report
RTP	Regional Transportation Plan & Sustainable Communities Strategy
RVLP	Rural Valley Lands Plan
TCA	Tulare County Association of Governments
UAB	Urban Area Boundary
USFW	United States Fish and Wildlife Service

REFERENCES

California Department of Fish and Wildlife. California Endangered Species Act. http://www.dfg.ca.gov/habcon/cesa/. Accessed March 2019.

California Department of Fish and Wildlife. Explore: Mission Statement. https://www.wildlife.ca.gov/Explore.aspx. Accessed March 2019.

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Tulare County Association of Governments. History. http://www.tularecog.org/Index.aspx?NID=103. Accessed March 2019

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Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed March 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR), February 2010. Accessed March 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf.

U.S. Fish and Wildlife Service. Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service. Accessed March 2019 at: http://www.fws.gov/laws/lawsdigest/esact.html.

Mineral Resources
Chapter 3.12

SUMMARY OF FINDINGS

The proposed Project will result in ***No Impacts*** related to Mineral Resources, as the proposed Project site is not located near a known mineral resource area. No mitigation measures will be required. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Mineral Resources. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in 15126.2(a), "[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."[1]

The "Environmental Setting" provides a description of the Mineral Resources in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local

[1] CEQA Guidelines. Section 15126.2 (a).

regulatory policies that were developed in part from information contained in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and/or Tulare County General Plan 2030 Update Recirculated Draft EIR (RDEIR) incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The Tulare County General Plan 2030 Update identifies known Mineral Resource areas.[2] The threshold of significance for this section will include the following:

- Impact a known Mineral Resource
- Site located in a Mineral Resource Zone area (as noted in the General Plan)

ENVIRONMENTAL SETTING

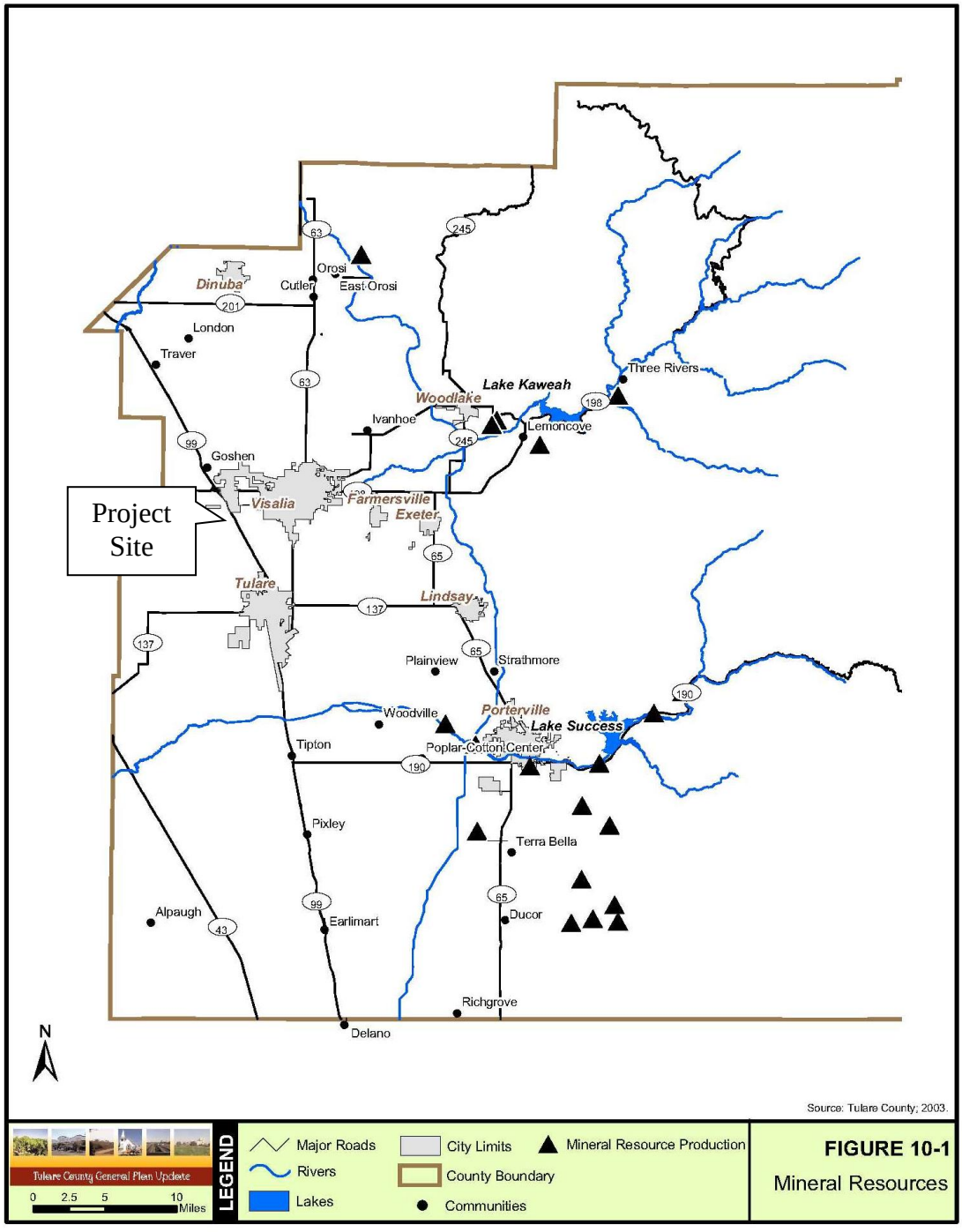
"There is estimated to be a total of 932 million tons of aggregate resources in Tulare County. This figure includes 219 million tons of reserves available for mining and 200 million tons that are located in the hard rock quarries southeast of Porterville. Of that total, 19 million tons are located in Northern Tulare County, which is expected to be depleted by the year 2010 unless new resources are permitted for mining. Lemon Cove has been the most highly extracted area for PCC quality aggregate supplies."[3]

"Economically, the most important minerals that are extracted in Tulare County are sand, gravel, crushed rock and natural gas. Other minerals that could be mined commercially include tungsten, which has been mined to some extent, and relatively small amounts of chromite, copper, gold, lead, manganese, silver, zinc, barite, feldspar, limestone, and silica. Minerals that are present but do not exist in the quantities desired for commercial mining include antimony, asbestos, graphite, iron, molybdenum, nickel, radioactive minerals, phosphate, construction rock, and sulfur... The majority of these activities appear to occur in the Sierra Foothill Area."[4]

Figure 3.12-1 is taken from the Tulare County General Plan 2030 Update and depicts the identified Mineral Resources in Tulare County.

[2] Tulare County General Plan 2030 Update Background Report. Figure 10-1. Page 10-19. Accessed April 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.
[3] Ibid. 10-18.
[4] Op. Cit. 10-17.

Figure 3.12-1
Tulare County Mineral Resource Zones[5]



[5] Tulare County General Plan 2030 Update Background Report. Figure 10-1. Page 10-19.

"The following MRZ categories are used by the State Geologist in classifying the State's lands. The geologic and economic data and the arguments upon which each unit MRZ assignment is based are presented in the mineral land classification report transmitted by the State Geologist to the SMGB…

A. *MRZ-1*—Areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. This zone is applied where well developed lines of reasoning, based on economic-geologic principles and adequate data, indicate that the likelihood for occurrence of significant mineral deposits is nil or slight.

B. *MRZ-2a*—Areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present. As shown on the diagram of the California Mineral Land Classification System, MRZ-2 is divided on the basis of both degree of knowledge and economic factors. Areas classified MRZ-2a contain discovered mineral deposits that are either measured or indicated reserves as determined by such evidence as drilling records, sample analysis, surface exposure, and mine information. Land included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits. A typical MRZ-2a area would include an operating mine, or an area where extensive sampling indicates the presence of a significant mineral deposit.

C. *MRZ-2b*—Areas underlain by mineral deposits where geologic information indicates that significant inferred resources are present. Areas classified MRZ-2b contain discovered deposits that are either inferred reserves or deposits that are presently sub-economic as determined by limited sample analysis, exposure, and past mining history. Further exploration work and/or changes in technology or economics could result in upgrading areas classified MRZ-2b to MRZ-2a. A typical MRZ-2b area would include sites where there are good geologic reasons to believe that an extension of an operating mine exists or where there is an exposure of mineralization of economic importance.

D. *MRZ-3a*—Areas containing known mineral deposits that may qualify as mineral resources. Further exploration work within these areas could result in the reclassification of specific localities into the MRZ-2a or MRZ-2b categories. MRZ-3a areas are considered to have a moderate potential for the discovery of economic mineral deposits. As shown on the diagram of the California Mineral Land Classification System, MRZ-3 is divided on the basis of knowledge of economic characteristics of the resources. An example of a MRZ-3a area would be where there is direct evidence of a surface exposure of a geologic unit, such as a limestone body, known to be or to contain a mineral resource elsewhere but has not been sampled or tested at the current location.

E. *MRZ-3b*—Areas containing inferred mineral deposits that may qualify as mineral resources. Land classified MRZ- 3b represents areas in geologic settings which appear to be favorable environments for the occurrence of specific mineral deposits. Further exploration work could result in the reclassification of all or part

of these areas into the MRZ-3a category or specific localities into the MRZ-2a or MRZ-2b categories. MRZ-3b is applied to land where geologic evidence leads to

the conclusion that it is plausible that economic mineral deposits are present. An example of a MRZ-3b area would be where there is indirect evidence such as a geophysical or geochemical anomaly along a permissible structure which indicates the possible presence of a mineral deposit or that an ore-forming process was operative.

F. *MRZ-4*—Areas where geologic information does not rule out either the presence or absence of mineral resources. The distinction between the MRZ-1 and MRZ-4 categories is important for land-use considerations. It must be emphasized that MRZ-4 classification does not imply that there is little likelihood for the presence of mineral resources, but rather there is a lack of knowledge regarding mineral occurrence. Further exploration work could well result in the reclassification of land in MRZ-4 areas to MRZ-3 or MRZ-2 categories."[6]

REGULATORY SETTING

Federal Agencies & Regulations

None that apply to the proposed Project.

State Agencies & Regulations

Surface Mining and Reclamation Act of 1975 (SMARA)

"The Surface Mining and Reclamation Act (SMARA), Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources. These policies are prepared in accordance with the Administrative Procedures Act, (Government Code) and are found in California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. The State Mining and Geology Board is also granted authority and obligations under the following statutes:

Public Resources Code Section 2207 provides annual reporting requirements for all mines in the state.

[6] California Department of Conservation, Division of Mines and Geology, "Guidelines for Classification and Designation of Mineral Lands",. Pages 4 thru 6. Accessed at: http://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf. Accessed April 2019.

Public Resources Code Section 2208: Site Inspections Conducted by the Department of Conservation.

Public Resources Code Section 10295.5 (a)-(e) and 20676 (a)-(c): Purchase and Use of Mined Materials by State and Local Agencies.

Water Code Section 13397 et seq.: Liability Limitations for Remediation/Reclamation of Abandoned Mines."[7]

State Mining & Geology Board (SMGB)

"

The mission of SMGB is to provide professional expertise and guidance, and to represent the state's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands, and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

The SMGB is composed of nine members appointed by the Governor, and confirmed by the Senate, for four-year terms. The SMGB serves as a regulatory, policy, and appeals body representing the State's interests in geology, geologic and seismologic hazards, conservation of mineral resources and reclamation of lands following surface mining activities.

The SMGB operates within DOC, and is granted certain autonomous responsibilities and obligations under several statutes including the Alquist-Priolo Earthquake Fault Zoning Act, the Seismic Hazards Mapping Act, and the Surface Mining and Reclamation Act. The SMGB's general authority is granted under Public Resources Code (PRC) Sections 660-678. Specifically, PRC Section 662(b) requires all SMGB members to "represent the general public interest."[8]

The Office of Mine Reclamation (OMR)

"In 1991, the Division of Mine Reclamation (DMR) was created to provide a measure of oversight for local governments as they administer the Surface Mining and Reclamation Act (SMARA) within their respective jurisdictions. While the primary focus is on existing mining operations and the return of those mined lands to a usable and safe condition, issues relating to abandoned legacy mines are addressed through the Abandoned Mine Lands Unit"[9]

Local Policy & Regulations

Tulare County General Plan Policies

[7] California Surface Mining And Reclamation Act Description, http://www.conservation.ca.gov/smgb/Regulations/Pages/regulations.aspx. Accessed April 2019.

[8] California State Mining & Geology Board. Accessed April 2019at: https://www.conservation.ca.gov/smgb/Pages/About-The-Board.aspx.

[9] California Office of Mine Regulation. Accessed March 2019 at: https://www.conservation.ca.gov/dmr.

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed below.

ERM-2.1 Conserve Mineral Deposits - The County will encourage the conservation of identified and/or potential mineral deposits, recognizing the need for identifying, permitting, and maintaining a 50 year supply of locally available PCC grade aggregate.

ERM-2.3 Future Resource Development - The County will provide for the conservation of identified and/or potential mineral deposits within Tulare County as areas for future resource development. Recognize that mineral deposits are significantly limited within Tulare County and that they play an important role in support of the economy of the County.

ERM-4.6 Renewable Energy - The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation. (For this Project, recycling concrete results in energy savings by not having to produce cement or asphalt from virgin materials).

IMPACT EVALUATION

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Project Impact Analysis: ***No Impact***

The proposed Project area is not located in a known mineral resource zone (MRZ)[10]. The nearest MRZ (RMC Pacific Materials Lemon Cove Plant) is more than 20 miles northeast of the proposed Project site.[11] Due to the distance separation between the identified MRZ and proposed Project area, there will be no loss of availability of a known mineral resource due to Project implementation. There will be ***No Impact*** related to this resource.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 RDEIR.

The proposed Project does not include mining operations and is not located within a known mineral resource zone. ***No Cumulative Impacts*** related to this checklist item will occur.

Mitigation: ***None Required.***

[10] Tulare County General Plan 2030 Update Background Report. Page 10-19.
[11] Ibid. Figure 10-1.

Conclusion: ***No Impact***

As noted above, ***No Project-specific*** or ***Cumulative Impacts*** related to this resource will occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Project Impact Analysis: ***No Impact***

As noted in the Response to 3.12 a), the proposed Project does not include a mining operation and the proposed Project site is not located in or near a known mineral resource zone. There will be no significant loss of local important mineral resource recovery site. According to U.S. Geological Survey, the nearest active mine and mineral production plant to the proposed Project is Lemon Cove Plant (operated by RMC Pacific Materials) located approximately 20 miles northeast of the proposed Project site within Tulare County[12]. The mine facility is located east of Road 228 and south of State Highway 216, near the Sierra Mountains foothills. The RMC Pacific Materials mine site is identified by U.S. Geological Survey Record ID, 133. The proposed Project will result in ***No Impact*** related to this resource.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 Update RDEIR.

As noted in the Response to Item 3.12 a), the proposed Project does not include a mining operation and is not located within a mineral resource zone. As such, ***No Cumulative Impact*** related to this resource will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted above, no Project-specific or cumulative impacts related to this resource will occur.

[12] USGS Mineral Resources On-Line Spatial Data, Active mines and mineral plants in the US. http://mrdata.usgs.gov/mineral-resources/active-mines.html. Accessed April 2019.

ACRONYMS

MRZ	Mineral Resource Zone
OMR	Office of Mine Reclamation
SMGB	State Mining & Geology Board
SMARA	Surface Mining and Reclamation Act

REFERENCES

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California Office of Mine Regulation. Accessed April 2019 at: http://www.conservation.ca.gov/OMR/Pages/Index.aspx.

California State Mining & Geology Board. Accessed April 2019 at: http://www.conservation.ca.gov/smgb/Pages/Index.aspx.

California Surface Mining And Reclamation Act Description. Accessed April 2019 at: http://www.conservation.ca.gov/smgb/Regulations/Pages/regulations.aspx.

CEQA Guidelines, Section 15126.2 (a)

Tulare County General Plan 2030 Update, August 2012. Accessed April 2019 at: http://generalplan.co.tulare.ca.us/documents.html.

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Noise
Chapter 3.13

SUMMARY OF FINDINGS

The proposed Project will result in a ***Less Than Significant Impact With Mitigation*** related to Noise. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts related to Noise. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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."[1]

The "Environmental Setting" provides a description of the Noise Setting in Tulare County. The "Regulatory Setting" provides a description of applicable Federal, State, and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General

[1] CEQA Guidelines, Section 15126.2 (a).

Plan, Tulare County General Plan Background Report, and/or Tulare County 2030 General Plan EIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Exceed Tulare County Standards for Noise Levels
- Expose people of excessive ground-borne vibration
- Expose people to excessive airport/airstrip noise

ENVIRONMENTAL SETTING

Existing Noise Environment

The noise environment in the proposed Project area is defined primarily by vehicular traffic on area roadways, including SR 99 (which is one mile west of the Project site), Avenue 280 (Caldwell Avenue) and to a lesser extent Road 68. To a lesser extent, nearby non-transportation noise sources, including existing agricultural activities and equipment and occasional aircraft overflights also contribute to ambient noise levels in the Project area.

"Noise. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, Leq is summed over a one-hour period.

Sound pressure is measured on a logarithmic scale with the 0 dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dB and a sound that is 10 dB less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40 to 50 dBA, while noise levels along arterial streets are generally in the 50 to 60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than that can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dBA per doubling of distance from point sources such as industrial machinery. Noise from lightly traveled roads typically attenuates at a rate of about 4.11 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance.

The actual time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. To evaluate community noise on a 24-hour basis, the day-night average sound level was developed (Ldn). Ldn is the time average of all A-weighted levels for a 24-hour period with a 10 dB upward adjustment added to those noise levels occurring between 10:00 P.M. and 7:00 A.M. to account for the general increased sensitivity of people to nighttime noise levels. The Community Noise Equivalent Level (CNEL) is identical to the Ldn with one exception. The CNEL adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). Thus, both the Ldn and CNEL noise measures represent a 24-hour average of A-weighted noise levels with Ldn providing a nighttime adjustment and CNEL providing both an evening and nighttime adjustment.

Vibration. Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Vibration can be a serious concern, causing buildings to shake and rumbling sounds to be heard. In contrast to noise, vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings and is usually measured in inches per second. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (VdB) is commonly used to measure RMS. The decibel notation acts to compress the range of numbers required to describe vibration.

High levels of vibration may cause physical personal injury or damage to buildings. However, groundborne vibration levels rarely affect human health. Instead, most people consider groundborne vibration to be an annoyance that can affect concentration or disturb sleep. In addition, high levels of groundborne vibration can damage fragile buildings or interfere with equipment that is highly sensitive to groundborne vibration (e.g., electron microscopes).

In contrast to noise, groundborne vibration is not a phenomenon that most people experience every day. The background vibration velocity level in residential areas is usually 50 RMS or lower which is well below the threshold of perception for humans (human perception is around 65 RMS). Most perceptible indoor vibration is caused by sources within buildings, such as operation of mechanical equipment, movement of people, or slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel- wheeled trains, and traffic on rough roads. If the roadway is smooth, the vibration from traffic is rarely perceptible.

> **b. Noise Sources**. Ambient noise levels in Tulare County vary widely depending upon proximity to noise generators…"[2]

As noted in the Tulare County Association of Governments 2014 Regional Transportation Plan/Sustainable Communities Strategy (2014 RTP/SCS) Draft EIR, "Tulare County contains a number of different industrial operations that produce noise, including food processing plants as well as sand and gravel extraction and processing facilities. Noise measurements were conducted for the General Plan 2030 Update at a sand and gravel extraction and processing facility operated by the Kaweah River Rock Company southeast of Woodlake. Excavation equipment that can generate noise at this facility consists of backhoes, graders, loaders, a drag line and off-road haul trucks. At anyone time, it is common to have the drag line, backhoe or one of the loaders working in conjunction with the off-road haul trucks. Noise levels at 700 feet from such an excavation operation would be expected to range approximately from 47.5 to 66.5 dBA. The processing area of the operation noise levels of approximately 77 dBA at a distance of 200 feet from the source (Tulare County, 2007)."[3]

The Health and Safety section of Tulare County's 2030 General Plan serves as the primary policy statement for the County for implementing policies to maintain and improve the noise environment in Tulare County. **Table 3.13-1** shows Tulare County's Land Use Compatibility for Community Noise Environments.

"Noise level data collected during continuous monitoring included the hourly Leq and Lmax and the statistical distribution of noise levels over each hour of the sample period. The community noise survey results indicate that typical noise levels in noise-sensitive areas of the unincorporated areas of Tulare County are in the range of 29-65 dB Ldn. As would be expected, the quietest areas are those that are removed from major transportation-related noise sources and industrial or stationary noise sources."[4]

The Project site is located in a rural area approximately two miles west of the urban edge of Visalia where the nearest concentration of sensitive receptors (single-family residences) are located on the north side of Avenue 280/Caldwell Avenue. As noted earlier, the Project site is surrounded by agricultural-related uses (i.e., orchards, dairies, row crops that support dairies, scattered rural residences, barns, etc.). Sensitive noise receptors in the area include:

North: None. (The nearest developed area is the City of Visalia Water Conservation Plant offices approximately 5,300 feet north of the Project site's northernmost property line.)

East: Three rural single-family residences with the nearest approximately 660 feet east of the Project site's easternmost property line.

[2] Tulare County Association of Governments 2014 Regional Transportation Plan/Sustainable Communities Strategy Draft EIR. Page 4.11-2. http://www.tularecog.org/rtp2014/ then tab the Plans, Old Plans links then cursor down to the EIR.

[3] Ibid. 4.11-4.

[4] Tulare County General Plan 2030 Update Background Report. Page 8-77. Accessed April 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.

South: Rural residential home approximately 2,050 feet south of the Project site's southernmost property line.

West: Three scattered rural single-family residences, with the nearest approximately 3,525 feet west of the Project site's westernmost property line. Also, a private K-8 school is located approximately 5,700 feet west of the Project site's westernmost property line, north of Avenue 280.

REGULATORY SETTING

Federal Agencies & Regulations

Federal Highways Administration (FHWA) Highway Traffic Noise Prediction methodology

"In March 1998, the Federal Highway Administration (FHWA) released the Traffic Noise Model, Version 1.0 (FHWA TNM®). It was developed as a means for aiding compliance with policies and procedures under FHWA regulations. Since its release in March 1998, Version 1.0a was released in March 1999, Version 1.0b in August 1999, Version 1.1 in September 2000, Version 2.0 in June 2002, Version 2.1 in March 2003 and the current version, Version 2.5 in April 2004. The FHWA TNM is an entirely new, state-of-the-art computer program used for predicting noise impacts in the vicinity of highways. It uses advances in personal computer hardware and software to improve upon the accuracy and ease of modeling highway noise, including the design of effective, cost-efficient highway noise barriers."[5]

Federal Aviation Administration (FAA)

"Aircraft operated in the U.S. are subject to certain federal requirements regarding noise emissions levels. These requirements are set forth in Title 14 CFR, Part 36. Part 36 establishes maximum acceptable noise levels for specific aircraft types, taking into account the model year, aircraft weight, and number of engines."[6]

Federal Railway Administration (FRA) and the Federal Transit Administration (FTA)

"The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to groundborne vibration levels of 0.5 PPV without experiencing structural damage. The FTA has identified the human annoyance response to vibration levels as 80 VdB."[7]

[5] U.S. Department of Transportation. Federal Highway Administration website, Traffic Noise Model, http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/. Accessed September 2019.
[6] Tulare County Association of Governments 2018 Regional Transportation Plan/Sustainable Communities Draft EIR. Page 4.8-17.
[7] Ibid.

Visalia Municipal Airport

Airports located within approximately two miles of the Project site include the Visalia Municipal Airport, which is located approximately one mile northeast of the Project site. No private airstrips are located within two miles of the Project site. However, the Project site does not lie within any aircraft noise contours as established in the Tulare County Comprehensive Airport Land Use Plan (2012).

State Agencies & Regulations

California Noise Insulation Standards

"The California Noise Insulation Standards found in the California Code of Regulations, Title 24, set requirements for new multi-family residential units, hotels, and motels that may be subject to relatively high levels of transportation-related noise. For exterior noise, the noise insulation standard is DNL 45 dB in any habitable room and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard where such units are proposed in areas subject to noise levels greater than DNL 60 dB."[8]

Local Policy & Regulations

Tulare County General Plan Policies

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed below and the land use compatibility for community noise environments within Tulare County are depicted in **Table 3.13-1**.

HS-8.2 Noise Impacted Areas - The County shall designate areas as noise-impacted if exposed to existing or projected noise levels that exceed 60 dB Ldn (or Community Noise Equivalent Level (CNEL)) at the exterior of buildings.

HS-8.3 Noise Sensitive Land Uses - The County shall not approve new noise sensitive uses unless effective mitigation measures are incorporated into the design of such projects to reduce noise levels to 60 dB Ldn (or CNEL) or less within outdoor activity areas and 45 dB Ldn (or CNEL) or less within interior living spaces.

HS-8.4 Airport Noise Contours - The County shall ensure new noise sensitive land uses are located outside the 60 CNEL contour of all public use airports.

HS-8.6 Noise Level Criteria - The County shall ensure noise level criteria applied to land uses other than residential or other noise-sensitive uses are consistent with the recommendations of the California Office of Noise Control (CONC).

[8] Ibid. Page 4.8-21.

HS-8.11 Peak Noise Generators - The County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval.

HS-8.13 Noise Analysis - The County shall require a detailed noise impact analysis in areas where current or future exterior noise levels from transportation or stationary sources have the potential to exceed the adopted noise policies of the Health and Safety Element, where there is development of new noise sensitive land uses or the development of potential noise generating land uses near existing sensitive land uses. The noise analysis shall be the responsibility of the project applicant and be prepared by a qualified acoustical engineer (i.e., a Registered Professional Engineer in the State of California, etc.). The analysis shall include recommendations and evidence to establish mitigation that will reduce noise exposure to acceptable levels (such as those referenced in Table 10-1 of the Health and Safety Element).

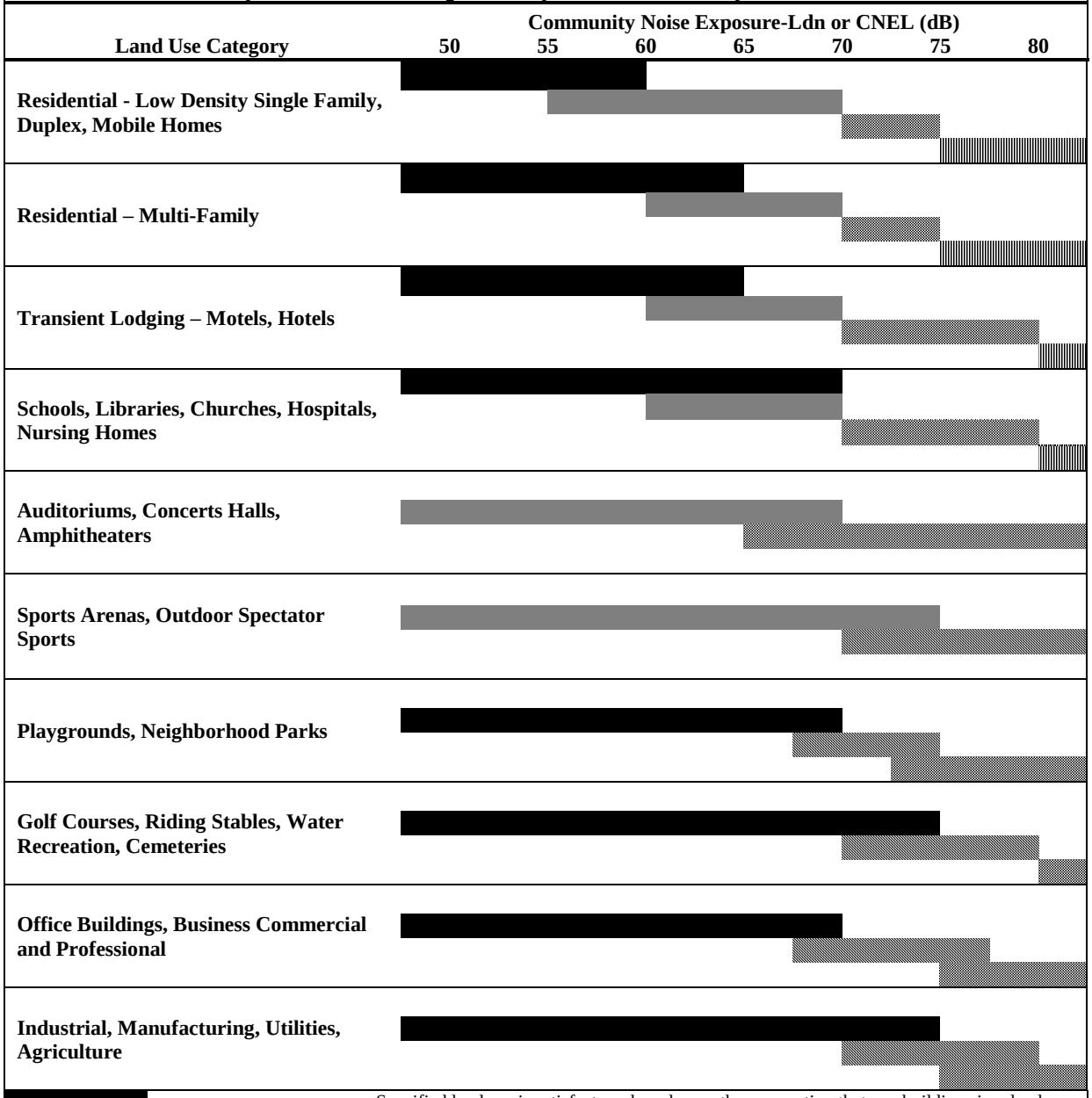
HS-8.14 Sound Attenuation Features - The County shall require sound attenuation features such as walls, berming, heavy landscaping, between commercial, industrial, and residential uses to reduce noise and vibration impacts.

HS-8.16 State Noise Insulation - The County shall enforce the State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code.

HS-8.18 Construction Noise - The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

HS-8.19 Construction Noise Control - The County shall ensure that construction contractors implement best practices guidelines (i.e. berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.

Table 3.13-1
Tulare County Land Use Compatibility for Community Noise Environments[9]



Normally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable	New construction or development generally should not be undertaken.

[9] Tulare County 2030 General Plan Update. Part 1 Goals and Policies Report. Table 10.1. Page 10-25.

IMPACT EVALUATION

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Construction (Set-up) Noise Impacts

Implementation of the proposed Project would result in short-term increases in ambient noise levels associated with onsite plant set-up/start-up activities (e.g., construction of asphalt and cement batch plants, storm water detention basin, office parking, etc.) as well as increased on-site and off-site vehicle traffic. As noted in Item c), projected increases in operational noise levels would not exceed applicable noise standards (see Item c) for additional discussion of Project-related noise impacts). This impact will be ***Less Than Significant With Mitigation***.

Noise associated with construction-related (i.e., set-up) activities would be temporary and would vary depending on the nature of the activities being performed. Noise generated during demolition and construction is typically associated with the operation of off-road equipment. **Table 3.13-2** lists typical uncontrolled noise levels generated by individual pieces of representative off-road equipment likely to be used during on-site construction-related activities. As further indicated in **Table 3.13-2**, noise levels associated with individual construction equipment can reach levels of up to approximately 85 dBA Lmax. Noise from localized point sources, such as construction sites, typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given this noise attenuation rate and typical construction equipment noise levels and usage rates, combined noise levels associated with construction activities can reach levels of up to approximately 84 dBA Leq at 50 feet. As shown in **Table 3.13-2**, without feasible noise controls (e.g., mufflers), noise levels can range from 79 to 91 dBA at a distance of 50 feet; and with feasible noise controls, noise levels can range from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

The nearest noise-sensitive land uses are rural residential dwellings, the nearest of which is located approximately 660 feet east of the Project site, adjacent to and south of Avenue 280. Based on the noise levels noted above, the highest calculated short-term noise levels at this residential dwelling would be approximately 62 dBA Leq. During the daytime hours, construction-related related noise levels at this nearest residential dwelling would be largely masked by existing ambient noise levels in the area, which are largely influenced by vehicle traffic on area roadways. Exterior ambient noise levels decrease during the nighttime hours as vehicle traffic decreases. If construction-related activities were to be conducted during these more noise-sensitive nighttime hours such noise could be detectable and could result in increased annoyance and potential sleep disruption to building occupants (it is important to

note that construction-related noise levels are highly variable and would last only as long as construction-related activities occur).

Table 3.13-2
Typical Off-Road Equipment Noise Levels

Type of Equipment	Typical Noise Level (dBA) at 50 feet from Source		
	L_{max}	L_{eq}	dBA With Feasible Noise Control*
Backhoe	80	76	75
Compactor (Ground)	80	73	75
Concrete Mixer Truck	80	81	75
Concrete Mixer (Vibratory)	85	73	80
Concrete Pump Truck	82	75	87
Crane	85	77	80
Dozer	85	81	75
Drill Rig Truck	84	77	79
Excavator	85	81	80
Front End/Wheel Loader	80	76	75
Generator	82	79	77
Grade-all	e85	81	80
Grader	85	81	75
Paver	85	82	80
Pneumatic Tools	85	82	80
Pumps	77	74	72
Scraper	85	81	80
Tractor	85	81	75
Truck (Dump/Flat Bed)	84	80	75

Source: United States Federal Highway Administration (FHWA). January 2006. Roadway Construction Noise Model, version 1.1.
*Note: *Feasible noise control includes the use of intake mufflers, exhaust mufflers, and engine shrouds operating in accordance*

Although impacts are considered less than significant, the Project will be required to adhere to the County's noise policies to ensure that impacts remain less than significant, as follows:

HS-8.11 Peak Noise Generators - The County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval.

HS-8.18 Construction Noise - The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

HS-8.19 Construction Noise Control - The County shall ensure that construction contractors implement best practices guidelines (i.e. berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.

Operational Noise Impacts

The proposed Project site is located approximately two miles east of the edge of an urban area (Visalia), one mile west of SR 99, and with agricultural-related uses directly adjacent to all sides of the Project site. The three nearest rural residences east of the Project site are part of an existing dairy operation. Operational noise from the Project will be generated from typical batch plant uses such as operation of the batch plant (including drum mixer, conveyor belts, material screens, and material handling activities). The intermittent operation of warning buzzers/bells/alarms, water pumps, and the loading/unloading of haul trucks, also contribute to on-site noise levels. However, the primary source of noise will likely be from Project-related vehicular (i.e., heavy-duty haul truck) trips.

"Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3.0 and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 and about 7.5 dBA per doubling of distance."[10]

The nearest sensitive noise receptors in the area include:

North: None. (The nearest developed area is the City of Visalia Water Conservation Plant offices approximately 5,300 feet north of the Project site's northernmost property line.)

East: Three rural type single-family homes with the nearest approximately 660 feet east of the Project site's easternmost property line.

South: Rural residential home approximately 2,050 feet south of the Project site's southernmost property line.

West: Three rural type single-family homes, with the nearest approximately 3,525 feet west of the Project site's westernmost property line. Also, a private K-8 school is located approximately 5,700 feet west of the Project site's westernmost property line, north of Avenue 280.

Noise receptors to the north and west likely experience some increase in ambient noise from the Project, but because both are over one mile away, the noise would remain below County

[10] Environmental Impact Report for Tulare County South County Detention Facility, Appendix "G", Noise Study Report (page 6), prepared by VRPA Technologies. May 2013.

noise thresholds. Traffic noise from SR 99 and WC Wood Industries' (composting, asphalt/concrete recycling, green waste recycling, etc.) operations would likely drown-out any potential noise from the Project site at the north receptor (City of Visalia Water Conservation Plant offices). The distance, existing dairy operations, field crops, orchards, and generally soft soils would reduce noise from the Project site on the west and south receptors. As estimated earlier, the east receptor, because of its distance from the Project site, would likely be impacted by approximately 62 dBA. Also, heavy-duty haul truck activity will be intermittent and would only occur on weekdays between 7 A.M and 7 P.M. Lastly, an earthen berm (topped with landscaping such as shrubs and trees) would further reduce noise. Although the intent of the berm and landscaping are to screen the Project site for aesthetic purposes, they would serve a dual function of reducing line-of-sight noise exposure to sensitive receptors thereby further reducing dBA levels below the County's noise threshold.

Nonetheless, short-term noise-generating construction activities associated with on-site construction-related activities (e.g., set up) could have a potentially significant impact**.** However, implementation **of Mitigation Measures 13-1 and 13-2** would result in a ***Less Than Significant Impact With Mitigation*** to this Checklist Item**.**

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, and the Tulare County 2030 General Plan Draft Environmental Impact Report.

Temporary, short-term, and intermittent construction-related (set-up) noise will not have a cumulative impact unless significant temporary noise levels from multiple sources will occur at the same time. However, there are no projects that will significantly increase temporary noise levels in the vicinity of the Project site.

As discussed in Item a), implementation of the proposed Project would not contribute to a significant increase in projected future cumulative traffic noise levels. In addition, no major off-site stationary sources of noise (other than typical dairying- and farming operations-related noise) were identified in the Project area that would adversely affect nearby land uses. As a result, the proposed Project would not result in a cumulative contribution to noise levels that would adversely affect nearby land uses. Therefore, the Project would result in a ***Less Than Significant Impact With Mitigation***.

Mitigation: ***See Mitigation Measures 13-1 and 13-2.***

13-1 Construction-related activities (e.g., set-up), excluding emergency work and activities that would result in a safety concern to the public or construction workers, shall be limited to between the hours of 7:00 A.M. and 7:00 P.M. Construction-related activities (e.g., set-up) activities shall be prohibited on Sundays and federal holidays.

13-2 Construction-related activities (e.g., set-up) equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.

Conclusion: ***Less Than Significant Impact With Mitigation.***

The use of mufflers and engine shrouds would reduce construction and demolition equipment noise levels by approximately 10 dB, or more. In addition, hourly limitations for construction and demolition activities would significant reduce the potential for annoyance and sleep disruption for occupants of nearby land uses. With implementation of the proposed mitigation measures, this impact would be less than significant

As such, ***Less Than Significant Project-specific*** or ***Cumulative Impacts With Mitigation*** related to this resource will occur.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Project Impact Analysis: ***Less Than Significant Impact***

Increases in groundborne vibration levels attributable to the proposed Project would be primarily associated with on-site operational activities. Such activities would likely require the use of various off-road equipment, such as tractors, concrete mixers, graders, and haul trucks. The use of major groundborne vibration-generating construction equipment, such as pile drivers, would not be required for this Project. The proposed Project will result in the on-going use of equipment that produces groundbourne vibration; however, it is noted that vibration from vehicles is dependent upon vehicle speed.

This Project is similar in nature, but on a smaller scale than the CMI Asphalt Batch Plant (formerly Papich) located approximately 2.5_ north of the proposed Project's location. As such, the information contained in section 3.12 Noise of the CMI EIR is used by analogy. By comparison, CMI's project was approved for 880 trucks/day vs. the proposed 138 trucks/day by this Project; CMI was approved for 500,000, tons/yr. of asphalt vs. 125,000 tons/yr. of asphalt by this Project; and CMI was approved for 275,000, tons/yr. of virgin aggregate vs. 160,000 tons/yr. of virgin aggregate by this Project; etc. Given the similar nature of these projects, proposed Project Groundborne vibration levels associated with representative off-road equipment are summarized in **Table 3.13-3**. Based on the vibration levels presented in **Table 3.13-3**, ground vibration generated by off-road equipment would not be anticipated to exceed approximately 0.08 inches per second ppv at 25 feet. Predicted vibration levels at the nearest structures would not exceed the minimum recommended criteria for structural damage or human annoyance (0.2 in/sec ppv).[11]

[11] "*Draft Environmental Impact Report, Papich Construction Asphalt Batch Plant Project"*. Adopted and certified by the Tulare County Board of Supervisors on July 21, 2015.

Table 3.13-3 **Vibration Levels for Varying Construction Equipment**	
Type of Equipment	Peak Particle Velocity @ 25 Feet (inches/second)
Large Bulldozer	0.089
Loaded Trucks	0.076
Small Bulldozer	0.003
Jackhammer	0.035
Vibratory Hammer	0.070
Vibratory Compactor/Roller	0.210
Source: Draft Environmental Impact Report, Papich Construction Asphalt Batch Plant Project. 2015. Page 3.12-5.	

Due to the large-sized, slow-moving, heavy-duty haul (HD) trucks; limited maneuvering space; dedicated HD truck parking space; dedicated raw material off-loading areas; dedicated finished material loading areas; intermittent arrivals/departures of HD trucks; and slow moving on-site heavy duty off road equipment (such as wheel loaders/front-end loaders), vehicle speed is not likely to exceed 25-30 miles per hour. Also, any vibrations associated with daily operations would be limited to operational hours of 7 A.M. to 7 P.M. Therefore, operational vibrations would result in a less than significant impact.

There are no federal or state standards that address construction noise or vibration. Additionally, Tulare County does not have regulations that define acceptable levels of vibration. One reference suggesting vibration standards is the Federal Transit Administration (FTA) publication concerning noise and vibration impact assessment from transit activities. Although the FTA guidelines are to be applied to transit activities and construction, they may be reasonably applied to the assessment of the potential for annoyance or structural damage resulting from other activities. To prevent vibration annoyance in residences, a level of 80 VdB (vibration velocity level in dB) or less is suggested when there are fewer than 70 vibration events per day. A level of 100 VdB or less is suggested by the FTA guidelines to prevent damage to fragile buildings.

As noted earlier, groundborne vibration levels associated with representative off-road equipment are summarized in **Table 3.13-3**. While these construction-related activities would result in minor amounts of groundborne vibration (when compared to the 80-100VdB level as suggested by the FTA guidelines noted earlier), such groundborne noise or vibration would attenuate rapidly from the source and would not be generally perceptible outside of the construction areas. Therefore, based on the vibration levels presented in **Table 3.13-3**, ground vibration generated by off-road equipment would not be anticipated to exceed approximately 0.08 inches per second ppv at 25 feet. Estimated vibration levels at the nearest structures (which is approximately 660 feet east of the nearest Project activity area) would not exceed the minimum recommended criteria for structural damage or human annoyance (0.2 in/sec ppv). As such, the Project would result in a ***Less Than Significant Impact.***

Cumulative Impact Analysis: ***Less than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, and the Tulare County 2030 General Plan Draft Environmental Impact Report.

Project-generated ground-borne vibration levels, whether construction (start-up) or operations related, would not result in a significant impact to nearby land uses. No existing sources of ground-borne vibration or proposed projects that would adversely affect nearby land uses were identified in the Project area. As a result, the proposed Project would not result in a cumulative contribution to ground-borne vibration levels that would adversely affect nearby land uses. Therefore, this Project would result in a ***Less Than Significant Impact.***

Mitigation Measure(s): ***None Required.***

Conclusion: ***Less Than Significant Impact***

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Project Impact Analysis: ***No Impact***

The Project is not located within an airport land use plan but is within two miles of an airport. The nearest public or public use airport to the project site is the Visalia Municipal Airport located approximately one mile northeast of the Project site. As noted earlier, the Project lies outside of the aircraft noise contours established in the Tulare County Comprehensive Airport Land Use Plan. As such, the Project would result in no exposure to people working at the Project site; the Project does not include any residential opportunities where persons would be exposed to airport-related noise. Therefore, there would be ***No Impact*** related to this resource**.**

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, and the Tulare County 2030 General Plan Draft Environmental Impact Report, and the 2012 Tulare County Comprehensive Airport Land Use Plan.

The proposed Project would not subject people to excessive airport related noise. Therefore, ***No Impact*** to cumulative impacts related to this Checklist item will occur.

Mitigation Measure(s): ***None Required.***

Conclusion: ***No Impact.***

As noted earlier, ***No Project-specific or Cumulative Impacts*** to this Checklist Item will occur.

DEFINITIONS

"Noise is often described as unwanted sound, and thus is a subjective reaction to characteristics of a physical phenomenon. Researchers have generally agreed that A-weighted sound pressure levels (sound levels) are well correlated with subjective reaction to noise. Variations in sound levels over time are represented by statistical descriptors, and by time-weighted composite noise metrics such as the Day/Night Average Level (Ldn)."[12] In addressing noise impacts, the following key terms are outlined and explained below:

Ambient Noise - "The total noise associated with a given environment and usually comprising sounds from many sources, both near and far."

Attenuation - "Reduction in the level of sound resulting from absorption by the topography, the atmosphere, distance, barriers, and other factors.

A-weighted decibel (dBA) - A unit of measurement for noise based on a frequency weighting system that approximates the frequency response of the human ear.

Community Noise Equivalent Level (CNEL) - Used to characterize average sound levels over a 24-hour period, with weighting factors included for evening and nighttime sound levels. Leq values (equivalent sound levels measured over a 1-hour period - see below) for the evening period (7:00 p.m. to 10:00 p.m.) are increased by 5 dB, while Leq values for the nighttime period (10:00 p.m. to 7:00 a.m.) are increased by 10 dB. For a given set of sound measurements, the CNEL value will usually be about 1 dB higher than the Ldn value (see below). In practice, CNEL and Ldn are often used interchangeably.

Decibel (dBA) - A unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure (which is 20 micronewtons per square meter).

Day-Night Average Sound Level (Ldn) - Average sound exposure over a 24-hour period. Ldn values are calculated from hourly Leq values, with the Leq values for the nighttime period (10:00 p.m. to 7:00 a.m.) increased by 10 dB to reflect the greater disturbance potential from nighttime noises."

Equivalent Sound Level (Leq). - The level of a steady-state sound that, in a stated time period and at a stated location, has the same sound energy as the time-varying sound (approximately equal to the average sound level). The equivalent sound level measured over a 1-hour period is called the hourly Leq or Leq (h).

Lmax and Lmin - The maximum and minimum sound levels, respectively, recorded during a measurement period. When a sound meter is set to the "slow" response setting, as is typical for

[12] TCAG 2011 Regional Transportation Plan Draft Subsequent EIR. Page 150.

most community noise measurements, the Lmax and Lmin values are the maximum and minimum levels recorded typically for 1-second periods.

Percentile-Exceeded Sound Level (Lx) - The sound level exceeded during a given percentage of a measurement period. Examples include L10, L50, and L90. L10 is the A-weighted sound level that is exceeded 10% of the measurement period, L50 is the level exceeded 50% of the period, and so on. L50 is the median sound level measured during the measurement period. L90, the sound level exceeded 90% of the time, excludes high localized sound levels produced by nearby sources such as single car passages or bird chirps. L90 is often used to represent the background sound level. L50 is also used to provide a less conservative assessment of the background sound level.

Sensitive Receptors - Sensitive receptors are defined to include residential areas, hospitals, convalescent homes and facilities, schools, and other similar land uses."[13]

REFERENCES

CEQA Guidelines, Section 15126.2 (a)

Environmental Impact Report for Tulare County South County Detention Facility, Appendix "G", Noise Study Report, prepared by VRPA Technologies. May 2013.

Tulare County Association of Governments 2014 Regional Transportation Plan/Sustainable Communities Strategy Draft EIR. Accessed May 2019 at: http://www.tularecog.org/rtp2014/ then tab the Plans, Old Plans links then cursor down to the EIR documents.

Tulare County Comprehensive Airport Land Use Plan 2012. Accessed May 2019 at: https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/tulare-county-comprehensive-airport-land-use-plan/

Tulare County General Plan 2030 Update, August 2012. Accessed May 2019 at: http://generalplan.co.tulare.ca.us/documents.html.

Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed May 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.

U.S. Department of Transportation. Federal Highway Administration website, Traffic Noise Model, http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/. Accessed May 2019.

[13] Tulare County General Plan 2030 Update Background Report. Pages 8-46 to 8-47.

Population and Housing
Chapter 3.14

SUMMARY OF FINDINGS

The proposed Project will result in ***No Impact*** related to Population and Housing and therefore, no mitigation measures are required. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Population and Housing. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in 15126.2 (a), "[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 will 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."[1]

The "Environmental Setting" provides a description of the Population and Housing in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local

[1] CEQA Guidelines, Section 15126.2 (a).

regulatory policies that were developed in part from information contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report and/or Tulare County General Plan 2030 Update Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Induce Substantial Population Growth
- Displace Housing or People

ENVIRONMENTAL SETTING

Tulare County

"Tulare County, California is one of the largest counties in the great and fertile San Joaquin Valley. Geographically it is situated about midway between San Francisco and Los Angeles, the two principal cities of the Pacific Slope… Within the confines of Tulare County are now 4,863 square miles, or 3,158,400 acres."[2]

Tulare County Regional Housing Needs Assessment Plan 2014-2023 (TCAG, June 2014)

State housing element law assigns the responsibility for preparing the Regional Housing Needs Assessment (RHNA) for the Tulare County region to the Tulare County Association of Governments (TCAG). The RHNA is updated prior to each housing element cycle. The current RHNA, adopted on June 30, 2014, covers a 9.75-year projection period (January 1, 2014 to September 30, 2023). The growth projections applied in the Housing Element Update are based upon growth projections developed by the State of California. The RHNA housing allocations for Tulare County were incorporated into **Table 3.14-1**. "A Regional Housing Needs Assessment Plan" provides a general measure of each local jurisdiction's responsibility in the provision of housing to meet those needs. The Tulare County Association of Governments (TCAG) was responsible for allocating the State's projections to each local jurisdiction within Tulare County including the County unincorporated area, which is reflected in this Housing Element.

The Sustainable Communities and Climate Protection Act of 2008 (SB 375) was passed to support the State's climate action goals…to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning. The bill mandates each of California's Metropolitan Planning Organizations (MPO) prepare a *sustainable communities strategy* as part of its regional transportation plan (RTP). The SCS contains land use, housing and transportation strategies that, if implemented, would allow the region to meet its GHG

[2] Tulare County Association of Governments. Tulare County Regional Blueprint. May 2009. Pages 4 and 5. http://valleyblueprint.org/files/Tulare050109.pdf. Accessed May 2019.

reduction targets. In the past, the RHNA was undertaken independently from the RTP. SB 375 requires that the RHNA and RTP/SCS processes be undertaken together to better integrate housing, land use, and transportation planning. In addition to the RHNA requirements, SB 375 requires that TCAG address the region's housing needs in the SCS of the RTP, to include sections on state housing goals (Government Code Section 65080(b)(2)(B)(vi)); identify areas within the region sufficient to house all the population of the region (including all economic segments of the population) over the course of the planning period for the RTP (out to 2040 for the 2040 RTP/SCS); and identify areas within the region sufficient to meet the regional housing needs

The RHNA housing results are summarized in **Table 3.14-1**. The Tulare County RHNA Plan recommends that the County provide land use and zoning for approximately 7,081 units per year in the unincorporated portions of the County. The County administratively agreed to a housing share of 7,081 units (726 units per year over the 9.75-year RHNA planning period). The RTP allocates 30% of population to the County. The RHNA bases the housing needs assessment on this percentage.

Table 3.14-1 Regional Housing Needs Assessment Plan
January 1, 2014 – September 30, 2023

	Income Category				
Jurisdiction	Very Low	Low	Moderate	Above Moderate	Total
Dinuba	211	163	121	470	965
Exeter	143	125	85	272	625
Farmersville	74	65	68	259	466
Lindsay	80	80	82	348	590
Porterville	623	576	566	1,431	3,196
Tulare	920	609	613	1,452	3,594
Visalia	2616	1,931	1,802	3,672	10,021
Woodlake	71	41	69	191	372
Unincorporated Area	1,477	1,065	1,169	3,370	7,081
Total Tulare County	6,215	4,655	4,575	11,465	26,910

Source: Table 1: "2014-2023 Final RHNA Allocations by Income Category," Final Regional Housing Needs Plan for Tulare County 2014-2023. Page 19 (TCAG 2014).

According to the Tulare County Regional Housing Needs Plan, the number of household in Tulare County's was 110,356 in 2000. In 2007 the number of households was 125,836. The 2014 household projection was 159,514. **Table 3.14-2** summarizes Tulare County's population between 1980 and 2010 according to the 1980-2010 U.S. Census.

Table 3.14-2 Tulare County Population[3,4,5]						
	1980	**1990**	**2000**	**2008**	**2010**	**2015**
Tulare County Population	245,738	311,921	368,021	435,254	442,182	459,863

"Housing costs continue to rise significantly. The 2010 Census reports the median rent has increased 10.72% from $727 in 2000 to $805 in 2010. The median monthly owner costs for housing units with a mortgage have seen a minor decrease going from $1,518 to $1,471 which is a -3.09% decrease. The monthly owner costs for those housing units without a mortgage increased by less than 1%, going from $330 to $361."[6]

REGULATORY SETTING

Federal Agencies & Regulations

U.S. Department of Housing and Urban Development (HUD)

"HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes: utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business."[7]

State Agencies & Regulations

California Department of Housing and Community Development (HCD)

"Our Mission - Promote safe, affordable homes and strong vibrant communities throughout California.

Our Vision - Every California resident can live, work, and play in healthy communities of opportunity.

What We Do

- **Grants and Funding** — By administering programs that provide grants and loans (from both state and federal housing programs), HCD creates rental and homeownership opportunities for Californians from all walks of life, including veterans, seniors, young families starting out, people with disabilities, farmworkers, and individuals and families

[3] 1980, 1990, 2000 U.S. Census, State of California, Department of Finance, E-1 Population Estimates. Accessed May 2019 at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/

[4] 2010 U.S. Census, United States, http://www.census.gov/2010census/popmap/ipmtext.php?fl=06. Accessed May 2019.

[5] 2015 U.S. Census, United States QuickFacts, Tulare County, California. http://www.census.gov/quickfacts/table/PST045215/06107. Accessed May 2019.

[6] Op Cit. Page 3-26.

[7] U.S. Department of Housing and Urban Development, Mission, http://portal.hud.gov/hudportal/HUD?src=/about/mission. Accessed May, 2019.

who are experiencing homelessness. Over the last three decades, HCD has provided more than $3 billion of funding for the development of affordable housing and associated infrastructure, but HCD's role does not end once the awards are made. Through long-term monitoring, HCD ensures the developments continue to provide safe and affordable homes, and that the homes remain well-maintained and financially sound.

- **Mobilehome Registration** — Similar to the way California's Department of Motor Vehicles manages titling and registration for automobiles, HCD manages the titling and registration for mobilehomes. HCD also protects families and individuals who live in mobilehomes by inspecting mobilehome parks for health and safety violations in areas where the local government has not assumed enforcement. HCD further protects consumers by enforcing regulations for those who build and sell manufactured homes.
- **Building Standards** — HCD protects the health and safety of Californians by enforcing standards for housing construction, maintenance of farmworker housing and manufactured/factory-built homes. HCD also proposes amendments to California's residential building standards for new construction to the California Building Standards Commission and helps train local government inspectors to better understand the new requirements. HCD creates specialized standards for CALGreen, the nation's first mandated green-building code.
- **Planning and Community Development** — As a basic human need, housing is one of the most important parts of any community, and how we plan for housing has wide reaching impacts on the environment, education, health, and the economy. HCD plays a critical role in the housing-planning process, which was designed to ensure that communities plan housing that meet the needs of everyone in California's communities. HCD works with each of the 538 regional governments to determine their housing needs, and then reviews every city and county's housing plan (the housing element of the general plan) to determine whether or not the plan complies with state law.
- **Policy and Research** — HCD develops policies that support housing and community development, and conducts research and analysis of California's housing markets and needs. HCD produces California's Statewide Housing Plan (required by state law), California's "Consolidated Plan" (required for California to receive millions of federal dollars for housing and community development), and other special reports."[8]

California Relocation Assistance Act

The State of California adopted the California Relocation Assistance Act (*California Government Code* §7260 et seq.) in 1970. This State law, which follows the federal Uniform Relocation Assistance and Real Property Acquisition Act, requires public agencies to provide procedural protections and benefits when they displace businesses, homeowners, and tenants in the process of implementing public programs and projects. This State law calls for fair, uniform, and equitable treatment of all affected persons through the provision of relocation benefits and assistance to minimize the hardship of displacement on the affected persons.

[8] CA Department of Housing and Community Development. Accessed in May 2019 at: http://www.hcd.ca.gov/about/mission.shtml

Local Policy & Regulations

Tulare County 2014 Regional Housing Needs Assessment Plan

"State Housing Element law assigns the responsibility for preparing the Regional Housing Needs Assessment (RHNA) for the Tulare County region to the Tulare County Association of Governments (TCAG). The RHNA is updated prior to each Housing Element cycle. The current RHNA, adopted on June 30, 2014, covers a 9.75-year projection period (January 1, 2014 to September 30, 2023). The growth projections applied in the Housing Element Update are based upon growth projections developed by the State of California. The RHNA housing allocations for Tulare County were incorporated into Table 1-A [of the RHNA]. "A Regional Housing Needs Assessment Plan" (Table 1-A [of the RHNA]) provides a general measure of each local jurisdiction's responsibility in the provision of housing to meet those needs. TCAG was responsible for allocating the State's projections to each local jurisdiction within Tulare County including the County unincorporated area, which is reflected in this Housing Element."[9]

"Tulare County RHNA Plan recommends that the County provide land use and zoning for approximately 7,081 units per year in the unincorporated portions of the County. The County administratively agreed to a housing share of 7,081 units (726 units per year over the 9.75-year RHNA planning period). The RTP allocates 30% of population to the County, but it is important to indicate that the RHNA allocation to the County is higher than the historical and anticipated levels of building permit activities through the planning period to 2023."[10] The RHNA bases the housing needs assessment on this percentage. Also as noted earlier, the RHNA housing results are summarized in **Table 3.14-1**.

Tulare County Regional Blueprint 2009

The Tulare County Association of Governments (TCAG) has been an active participant in the development of the San Joaquin Valley Regional Blueprint, which will develop a cohesive regional framework that defines and offers alternative solutions to growth related issues for the Valley. The process involves the integration of transportation, housing, land use, economic development, and the environment to produce a preferred growth scenario to the year 2050.[11] There are goals and objectives contained in the Tulare County Regional Blueprint that directly relate to this Housing Element update as follows:

- "Promulgate and promote adoption of community design guidelines that will ensure strong neighborhoods, increase efficiency by promoting green building practices, integrate housing with jobs and schools, improve mobility and health by promoting walking and biking, improve air quality by reducing the trip generation, and increase infrastructure cost-effectiveness through efficient land use.

[9] Tulare County Housing Element 2015 Update. Page 1-17. http://generalplan.co.tulare.ca.us/documents/GP/001Adopted%20Tulare%20County%20General%20Plan%20Materials/110Part%20I%20Voluntary%20Elements%20Chapters%206,%2012%20and%2015/001CHP%206%20Tulare%20County%20Housing%20Element%20Update%202015/CHP%206%20TULARE%20COUNTY%20HOUSING%20ELEMENT%20UPDATE%202015.pdf. Accessed May 2019.

[10] Ibid. 1-18.

[11] Op. Cit. 2-1.

- Increase the overall average density of new development.
- Ensure safe and healthy communities that provide a variety of housing types with increased opportunities for homeownership.
- Provide incentives for local jurisdictions to meet their housing needs.
- Provide an adequate supply of housing for our region's workforce and adequate sites to accommodate business expansion and retention to minimize interregional and long distance commuting.
- Conserve and rehabilitate the existing housing stock, while minimizing the displacement of lower income and minority residents as redevelopment and revitalization occurs."[12]

Housing Authority of Tulare County (HATC)

The HATC describes itself in its "About Us" summary in their website as follows:

"Who is the Housing Authoriy? - The Housing Authority is a unique hybrid: a public sector agency with private sector business practices. Although we are a public agency created pursuant to federal and state laws, we operate much like a private company. Our major source of income is the rents from residents.

Our History - The Housing Authority of the County of Tulare was established in 1945 pursuant to the United States Housing Act of 1937 and state enabling legislation. Our first major project was to develop housing for returning World War II Veterans and their families. The first developments consisted of surplus portable housing that was obtained from military training bases throughout the state. By the mid-1950's the Housing Authority had assumed the management responsibilities of two farm labor housing centers which were built in the late 1930's by the federal government. In 1959, the Housing Authority began construction of 30 homes in Cutler that marked the beginning of an expansion that now provides housing for approximately 17,000 people in nearly 5,000 family, elderly and handicapped households. The Housing Authority has established a solid reputation for providing safe, affordable housing for low income people.

Our Mission - To provide affordable, well-maintained rental housing to qualified low and very low-income families. Priority shall be given to working families, seniors, and the disabled. Tenant self-sufficiency and responsibility shall be encouraged. Programs shall be self-supporting to the maximum extent feasible."[13]

2015 Tulare County Housing Element Policies

There are numerous Housing Element policies that would apply to Project's involving housing opportunities; however, as this Project does not include new residential construction (or any removal of existing housing stock), none of the policies would apply to this Project.

[12] Op. Cit. 2-2.

[13] Tulare County Housing Authority website accessed in May 2019 at: http://www.hatc.net/about-us.php.

IMPACT EVALUATION

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Project Impact Analysis: ***No Impact***

The proposed Project does not include new homes. As part of the proposed expansion, the number of employees is anticipated to result in 15-20 employees. This increase in new jobs would not induce population growth because of the relative size of the growth, the available workforce within the County that is currently unemployed (8% reported for October 2019)[14], the availability of local housing (the Project is approximately two miles from the City of Visalia and approximately four miles from the City of Tulare). In addition, the proposed Project site is located in a rural area and development of this business would not induce nearby parcels to either build new residences or create new businesses. As such, the Project would result in ***No Project-specific Impact*** related to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR. ***No Cumulative Impact*** related to this Checklist Item will occur.

No Cumulative Impact related to this Checklist Item will occur.

Mitigation: ***None Required***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Project Impact Analysis: ***No Impact***

[14] State of California Employment Development Department Tulare County Profile. Accessed in November 2019 at: https://www.labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Tulare+County&selectedindex=54&menuChoice=localAreaPro&state=true&geogArea=0604000107&countyName=

There are no existing occupied homes on the proposed Project site and no homes in the immediate vicinity would be displaced because of Project implementation, as Project implementation would be contained to the proposed Project site. As such, there would be ***No Impact*** related to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

As noted earlier, there are no existing homes on the proposed Project site and the proposed Project will not displace any additional housing units. ***No Cumulative Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted above, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

REFERENCES

CA Department of Housing and Community Development. Website accessed May 2019 at: http://www.hcd.ca.gov/about/mission.shtml

State of California Employment Development Department Tulare County Profile. Accessed May 2019 at: https://www.labormarketinfo.edd.ca.gov/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Tulare+County&selectedindex=54&menuChoice=localAreaPro&state=true&geogArea=0604000107&countyName=

CEQA Guidelines, Section 15126.2 (a)

Tulare County Association of Governments. Tulare County Regional Blueprint. May 2009. Pages 4-5. http://valleyblueprint.org/files/Tulare050109.pdf. Accessed May 2019.

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Final Tulare County 2014 Regional Housing Needs Assessment Plan, Table 4, Appendix A. http://www.tularecog.org/wp-content/uploads/2015/07/Final-Regional-Housing-Needs-Plan-for-Tulare-County-2014-2023.pdf. Accessed May 2019.

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Public Services
Chapter 3.15

SUMMARY OF FINDINGS

The proposed Project will result in a ***Less Than Significant Impact*** related to Public Services. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

California Environmental Quality Act (CEQA)

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Land Use and Recreation. As required in Section 15126, all phases of the proposed Project will be considered was part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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."[1]

The "Environmental Setting" provides a description of the Public Services Setting in Tulare County. The "Regulatory Setting" provides a description of applicable Federal, State, and Local regulatory policies that were developed in part from information contained in the Tulare County

[1] CEQA Guidelines, Section 15126.2.

2030 General Plan, Tulare County General Plan Background Report, and/or Tulare County 2030 General Plan EIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item questions. The following are potential thresholds for significance.

- Result in the need for new fire facilities that would have impacts
- Result in the need for new Police Services
- Result in the need for new schools or physically overcrowded schools
- Result in the overuse of Parks
- Result in the need for other new Public Facilities

ENVIRONMENTAL SETTING

Fire Protection

Tulare County

The [formerly titled] California Department of Forestry and Fire Protection/Tulare County Fire Department (now CalFire/TCFD) serve 145,128 of Tulare County's population and in 2002, averaged 38.4 calls per day.[2] Fire occurrence data generated by the department indicate a direct relationship between high use areas of the county and fire occurrence. The population increase in the mountain areas have caused increased wildland urban interface problems as well. Structures are being built throughout wildland areas wherein vegetation fires can spread rapidly. Providing adequate fire protection to those structures has become a major undertaking.[3]

The Tulare County Fire Department's 2013 Annual Report provides a summary of Incident Reports by major incident type as shown in **Table 3.15-1**[4]

Table 3.15-1 Summary of Incidents

MAJOR INCIDENT TYPE	# INCIDENTS	% OF TOTAL
Fires	1484	12.28
Overpressure, Rupture, …	3	0.3
Rescue & Emergency Medical	7234	59.88
Hazardous Conditions	325	2.6
Service Calls	666	5.5
Good Intent	1892	15.66

[2] Tulare County General Plan 2030 Update, *Background Report*, Table 7-6. Accessed May 2019 at: http://generalplan.co.tulare.ca.us/.
[3] Ibid. Page 7-73.
[4] Tulare County Fire Department's 2013 Annual Report. Page 9. Accessed on January 9, 2014 at: http://tularecounty.ca.gov/fire/index.cfm/department-information-for-the-field/annual-report-2013/.

Table 3.15-1 Summary of Incidents		
MAJOR INCIDENT TYPE	**# INCIDENTS**	**% OF TOTAL**
False Alarm	358	2.9
Severe Weather	3	0.0
Special Type	8	0.7
TOTAL	**12,084**	**100**

As shown in **Table 3.15-1**, the Tulare County Fire Department responded to 12,084 calls for service in 2012; a majority of the calls were for rescue and medical emergencies (59.8 percent) followed by fire calls (12.28 percent) and "good intent" (15.6 percent) as the top three incident types. The nearest Tulare County Fire station is the Goshen #7 Fire Station which is approximately 5.5 miles north of the proposed Project site and serves northern Tulare County. The station is backed up (via mutual aid response) by fire stations located in the Cities of Visalia and Tulare.

CalFire/TCFD uses an "attack" time protocol of less than ten minutes to respond to 90 percent of the calls on the valley floor and less than 15 minutes on 75 percent of calls in the foothill and mountain areas. The proposed Project site is within both the 10- and 15-minute response areas.[5]

Police Protection

Tulare County

"In 2007, the Tulare County Sheriff's Department currently had 448 sworn officers serving its unincorporated population (145,128), and generates a level of service ratio of 3.2 officers per 1,000 residents. The ratio is above the accepted standard of 2.0 officers per 1,000 residents set by the Federal Bureau of Investigation. The Sheriff's Department also has 186 non-sworn clerical and support staff amounting to total Sheriff's Department staff personnel of 633 employees."[6]

"Law enforcement protection for the unincorporated county is divided into 22 areas with four stations… [T]he Porterville substation serves the largest number of areas with 10 patrols, followed by the headquarters in Visalia with six, and Cutler-Orosi and Pixley, each with three areas."[7] As noted earlier, the nearest Tulare County Fire Station in No. 7 located in Goshen approximately 5.5 miles from the Project site.

According to the Tulare County Sheriff's Department 2014-2015 Annual Report (page 6), there are currently 592 allocated sworn officers serving the unincorporated population of 146,651 resulting in a service ratio of 2.47%. This ratio is still above the accepted standard of 2.0 officers per 1,000 residents set by the Federal Bureau of Investigation. The Sheriff's Department also has

[5] Ibid.
[6] Tulare County General Plan 2030 Update, *Background Report*, Pages 7-71 to 7-72.
[7] Ibid. Page 7-72.

allocated 252 non-sworn clerical and support staff amounting to the Sheriff's Department staff personnel of 844 total employees.[8]

Schools

Tulare County

"A total of 48 school districts provide education throughout Tulare County... Of the 48 school districts, seven are unified districts providing educational services for kindergarten through 12th grade. The remaining 41 districts consist of 36 elementary school districts and four high school districts. Many districts only have one school."[9]

"Total enrolment in Tulare County public schools has increased from about 80,000 to 88,300 students during a nine-year span from 1993 to 2002. On average, the growth rate has remained steady with annual increases approximating two percent."[10]

The nearest schools to the Project site are Sycamore Valley Academy (a K-8 Charter School, approximately one mile west of the Project site) and Linwood Elementary School in Visalia (approximately 3.0 miles east of the Project site).

Parks

Tulare County

There are a number of Federal, State, and local parks within Tulare County. There are 13 park and recreational facilities operated by Tulare County. A list of the nearest local park facilities is provided in Table **3.15-2**.

Table 3.15-2
Nearest Recreational Areas to Project Site in Tulare County

Recreation Area	Location	Acres	Type of Use/Features
Cutler Park	5 miles east of Visalia at SR 216 to Ivanhoe.	50	Reservations for picnic areas are taken. Entrance fee for vehicles.
Elk Bayou Park	6 miles SE of Tulare at Avenue 200.	60	Reservations for picnic areas are taken. No fee for day use.
Kings River Nature Preserve	2 miles east of SR 99 at Road 28	85	This park is only for school environmental programs.

[8] Tulare County Sheriff's Department 2014-2015 Annual Report. Page 6. Accessed on January 31, 2016 and available at: http://www.tularecounty.ca.gov/sheriff/index.cfm/community/2014-2015-annual-report/

[9] Tulare County General Plan 2030 Update, *Background Report.* Pages 7-75 to 7-76.

[10] Ibid. Page 7-76.

Table 3.15-2
Nearest Recreational Areas to Project Site in Tulare County

Recreation Area	Location	Acres	Type of Use/Features
Ledbetter Park	1 mile northwest of Cutler on Road 124/Hwy 63	11	Reservations for picnic areas are taken. No fee.
Mooney Grove Park	2 Miles south of Caldwell Avenue on Mooney Blvd. In South Visalia.	143	Reservations for picnic areas are taken. Paddle boats, playground, baseball diamonds. Home of the End Trail statue. One of the largest oak woodlands in Tulare County. Location of the Agriculture and Farm Labor Museum.
Tulare County Museum	In Mooney Grove Park, South Visalia.	8.5	Free admission with park fee. Museum is opened Thursday thru Monday (closed Tuesday and Wednesday).
West Main Street Park	2 blocks west of County Courthouse on Main Street in Downtown Visalia.	5	Day use no entrance fee.

A more detailed discussion of recreational facilities is provided in Chapter 3.16 Recreation

Library

Tulare County

"The Tulare County Public Library System comprises of interdependent branches, grouped by services, geography and usage patterns to provide efficient and economical services to the residents of the county. At present, there are 14 [17 as of October 2019[11]] regional [branch] libraries and one main branch."[12] The nearest library to the Project site is Visalia Main Branch Library (located at 200 West Oak Avenue in Visalia).

REGULATORY SETTING

Federal Agencies & Regulations

None that apply to the proposed Project.

State Agencies & Regulations

[11] Tulare County Library. Locations. Accessed October 2019 at: https://www.tularecountylibrary.org/locations.
[12] Tulare County General Plan 2030 Update, *Background Report*. Page 7-96. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/Appendix%20B%20-%20Background%20Report.pdf.

None that apply to the proposed Project.

Local Policy & Regulations

Tulare County General Plan Policies

The Tulare County General Plan has several policies that apply to projects within County of Tulare. As the Project will not result in population growth, the Project would not impact schools, parks, or library services. The following General Plan fire and sheriff protection policies that relate to the proposed Project are:

PFS-7.1 Fire Protection - The County shall strive to expand fire protection service in areas that experience growth in order to maintain adequate levels of service.

PFS-7.2 Fire Protection Standards - The County shall require all new development to be adequately served by water supplies, storage, and conveyance facilities supplying adequate volume, pressure, and capacity for fire protection.

PFS-7.3 Visible Signage for Roads and Buildings - The County shall strive to ensure all roads are properly identified by name or number with clearly visible signs.

The County shall strive to ensure all roads are properly identified by name or number with clearly visible signs.

PFS-7.5 Fire Staffing and Response Time Standards - The County shall strive to maintain fire department staffing and response time goals consistent with National Fire Protection Association (NFPA) standards, and as provided in **Table 3.15-3.**

Table 3.15-3
Fire Staffing and Response Time Standards[13]

	Demographics	**Staffing/Response Time**	***% of Calls***
Urban	> 1,000 people/sq. mi.	15 FF/9 min.	*90*
Suburban	500-100 people/sq. mi.	10 FF/10 min.	*80*
Rural	< 500 people/sq. mi.	6 FF/14 min.	*80*
Remote*	Travel Dist. > 8 min.	4 FF/no specific response time	*90*

**Upon assembling the necessary resources at the emergency scene, the fire department should have the capacity to safety commence an initial attach within 2 minutes, 90% of the time. (FF = Fire Fighters)*

PFS-7.6 Provision of Station Facilities and Equipment - The County shall strive to provide sheriff and fire station facilities, equipment (engines and other apparatus), and staffing necessary to maintain the County's service goals. The County shall continue to cooperate with mutual aid providers to provide coverage throughout the County.

[13] Tulare County General Plan 2030 Update. Policy PFS – 7.5.

PFS-7.8 Law Enforcement Staffing Ratios - The County shall strive to achieve and maintain a staffing ratio of 3 sworn officers per 1,000 residents in unincorporated areas.

PFS-7.9 Sheriff Response Time - The County shall work with the Sheriff's Department to achieve and maintain a response time of:

1. Less than 10 minutes for 90 percent of the calls in the valley region; and
2. 15 minutes for 75 percent of the calls in the foothill and mountain regions.

PFS-7.12 Design Features for Crime Prevention and Reduction - The County shall promote the use of building and site design features as means for crime prevention and reduction.

IMPACT EVALUATION

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Project Impact Analysis: ***Less Than Significant Impact***

The proposed Project is within the service area of the Tulare County Fire Department. The County of Tulare Fire Department has 28 stations that are located throughout the County within its most densely populated areas and currently maintains minimal staffing to meet the requirements set forth under NFPA 1720-1721 for a rural area. These requirements consist of one full-time person per station per shift with other paid on-call firefighters. Per the Tulare County Fire Department, while this is sufficient to meet the basic needs of the County, this level of staffing often results in an elevated fire loss value during some emergency conditions when compared with other departments with additional staff support.[14]

The Goshen Fire Station, which is the nearest and would likely serve the proposed Project, is not listed among the stations needing relocation, repair or upgrade. Project-specific impacts related to this checklist item will not likely occur as the proposed Project is not increasing the service area for the Goshen Fire Station. The site has had industrial occupants since 2010.

Less Than Significant Project-specific Impacts related to this Checklist Item will occur.

[14] County of Tulare. Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR) February 2010. Accessed April 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR.

The proposed Project will not significantly impact the fire department's response times Therefore, ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As the Project will be required to comply with applicable Building, Fire, Mechanical, Electrical and Plumbing Codes, and Fire Department approval, the Project-specific impacts related to this Checklist item will be ***Less Than Significant*** level. ***No Cumulative Impacts*** related to this Checklist Item will occur.

Police protection?

Project Impact Analysis: ***No Impact***

The County of Tulare's Sheriff's Office will provide police protection services to the proposed Project upon development. Emergency response is adequate to the proposed Project. No residential construction is proposed for this site. There will be ***No Impact*** to police services.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Project will not impact Police Services. As such, ***No Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Schools?

Project Impact Analysis: ***No Impact***

As noted earlier, the nearest schools to the Project site are Sycamore Valley Academy (a K-8 Charter School, approximately one mile west of the Project site) and Linwood Elementary School in Visalia (approximately 3.0 miles east of the Project site). However, the proposed Project will not include any residential housing and will not generate any new school students at any grade level.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Project will not impact Schools. As such, ***No Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Parks?

Project Impact Analysis: ***No Impact***

As discussed in Chapter 3.16 Recreation, the nearest County owned/operated public parks are Goshen Community Park (approximately five miles north), Mulloch Park in Goshen (approximately 5.5 miles north), and Mooney Grove Park in Visalia (approximately six miles southeast). Plaza and Sunset Parks, owned and operated by the City of Visalia, are approximately 2.5 miles northeast and 2.5 miles east; respectively. As the Project would not result in any new residential housing development, would result in a limited number of employees (15-20), and will likely draw from the local labor force, the Project would not induce population growth nor the accompanying number of persons who would use park facilities. As such, there would be ***No Impact*** to this resource.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Project will not impact to Parks. As such, a ***No Cumulative Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Other public facilities?

Project Impact Analysis: ***No Impact***

Other public facilities that may be impacted include water treatment plants, libraries, and solid waste disposal facilities.

The Project will rely on an existing and possibly a new septic system. The proposed Project is not connected to a sewer line nor does it rely on a wastewater treatment facility to provide wastewater treatment. Thus, the proposed Project will not impact service levels of a waste water treatment facility.

The proposed Project does not involve the creation of any new residences and will not impact library service levels. As such, ***No Project-specific Impact*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

As noted earlier, the proposed Project will not impact other public facilities. As such, ***No Cumulative Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

REFERENCES

CEQA Guidelines, Section 15126.2.

Tulare County General Plan 2030 Update, August 2012. http://generalplan.co.tulare.ca.us/. Accessed May 2019.

Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/Appendix%20B%20-%20Background%20Report.pdf.

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR) February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf.

Tulare County Library. Library hours as of 2019. Locations information can be found at: https://www.tularecountylibrary.org/locations. Accessed May 2019.

Recreation
Chapter 3.16

SUMMARY OF FINDINGS

The proposed Project will result in ***No Impact*** related to Recreation. No mitigation measures will be required. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Recreation. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2(a), "[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."[1]

The "Environmental Setting" provides a description of the Recreational Resources in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County

[1] 2013 CEQA Guidelines, Section 15126.2(a).

General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and/or Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (RDEIR) incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist item questions. The following are potential thresholds for significance:

- Increase use of existing recreational facilities
- Include or require additional recreational facilities

ENVIRONMENTAL SETTING

"Tulare County contains several county, state, and federal parks. Aside from parks in the county, there are many open space areas as well. This section will highlight these various parks and open space areas and identify recreational opportunities within them."[2] In addition to the 13 parks and recreation facilities that are owned and operated by the County of Tulare, there are State Parks and Forests, National Parks and National Forests, and trails and recreational areas. See **Table 3.16-1** for a list of Recreational areas and facilities in Tulare County.

Table 3.16-1
Recreational Areas in Tulare County[3]

ID	Recreation Area	Location	Acres	Type of Use/Features
County				
1	Alpaugh Park	Located in Alpaugh on Road 40.	3	Reservations for picnic areas are taken. No entrance fee.
2	Balch Park Campgrounds	20 miles NE of Springville in the Sierras.	160	71 Campsites. No reservations taken; first come first serve basis. Entrance fee for vehicles.
3	Bartlett Park	8 miles east of Porterville on North Drive.	127.5	Reservations for picnic areas are taken. Entrance fee for vehicles.
4	Camp COTYAC	Near Ponderosa in Eastern Tulare County.	8	County of Tulare Youth Adventure Camp (Camp COTYAC). Cabins, lodge with kitchen, restrooms and showers.
5	Cutler Park	5 miles east of Visalia on SR 216 to Ivanhoe.	50	Reservations for picnic areas are taken. Entrance fee for vehicles.

[2] Tulare County General Plan 2030 Update Background Report. February 2010. Page 4-1 Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.
[3] Ibid. Table 4-1. 4-4.

Table 3.16-1
Recreational Areas in Tulare County[3]

ID	Recreation Area	Location	Acres	Type of Use/Features
6	Elk Bayou Park	6 miles SE of Tulare on Avenue 200.	60	Reservations for picnic areas are taken. No fee for day use.
7	Kings River Nature Preserve	2 miles east of SR 99 on Road 28	85	This park is only for school environmental programs.
8	Ledbetter Park	1 mile northwest of Cutler on Road 124/Hwy 63	11	Reservations for picnic areas are taken. No fee.
9	Mooney Grove Park	2 Miles south of Caldwell Avenue on Mooney Blvd. In South Visalia.	143	Reservations for picnic areas are taken. Paddle boats, playground, baseball diamonds. Home of the End Trail statue. One of the largest oak woodlands in Tulare County. Location of the Agriculture and Farm Labor Museum.
10	Pixley Park	1 mile NE of Pixley on Road 124.	22	Reservations for picnic areas are taken. No fee.
11	Tulare County Museum	In Mooney Grove Park, South Visalia, east of SR 63.	8.5	Free admission with park fee. Museum is opened Thursday thru Monday (closed Tuesday and Wednesday).
12	Woodville Park	Located in Avenue 166 in Woodville.	10	Reservations for picnic areas are taken. Day use no entrance fee.
13	West Main Street Park	2 blocks west of County Courthouse on Main Street in Downtown Visalia.	5	Day use no entrance fee.
State				
14	Colonel Allensworth State Historic Park	7 miles west of Earlimart on County Road J22.	3,715	15 campsites, open year round.
15	Mountain Home State Forest	Located in Sequoia National Forest	4,807	No reservations taken for campgrounds.
Federal				
16	Lake Kaweah	25 miles east of Visalia off SR 198.	2,558	Horse Creek Campground, boat ramps, picnic areas, swimming, and hiking.
17	Lake Success	10 miles SE of Porterville off SR 198.	2,450	Tule Campground, boating, fishing, picnic areas, playgrounds, and softball field. Hunting is permitted in the Wildlife Management Area.
18	Sequoia National Forest	Southeastern portion of Tulare County.	na	Campgrounds include Gray's Meadow, Oak Creek, Onion Valley, Stony Creek, Sunset, and Whitney Portal with over 300 campsites.
19	Giant Sequoia National Monument	Covers areas north and south of Sequoia and Kings Canyon National Parks.	na	
20	Sequoia and Kings Canyon National Parks (SEKI)	Northeastern portion of Tulare County.	na	Campgrounds include Atwell Mill Campground, Buckeye Flat, Cold Springs, Crystal Springs, Dorst Campground, Lodgepole, Moraine, Potwisha, Sheep Creek, and South Fork with over 800 campsites.

Table 3.16-1 Recreational Areas in Tulare County[3]				
ID	**Recreation Area**	**Location**	**Acres**	**Type of Use/Features**
Total Acres			**5,701**	

Federal Recreation Areas

Lake Kaweah

"Lake Kaweah was formed after the construction of the Terminus Dam on the Kaweah River in 1962. The lake offers many recreational opportunities including fishing, camping, and boating. Lake Kaweah is located 20 miles east of Visalia on Highway [SR] 198 and was constructed by the U.S. Army Corps of Engineers for flood control and water conservation purposes. The lake has a maximum capacity to store 143,000 acre-feet of water. There are a total of 80 campsites at the lake's Horse Creek Campground, which contains toilets, showers and a playground. Campfire programs are also available. Aside from camping, boat ramps are provided at the Lemon Hill and Kaweah Recreation Areas. Both Kaweah and Horse Creek provide picnic areas, barbecue grills and piped water. Swimming is allowed in designated areas. In addition, there is a one-mile hiking trail between Slick Rock and Cobble Knoll, which is ideal for bird watching."[4]

Lake Success

"Lake Success was formed by construction of the Success Dam on the Tule River in 1961. The lake offers many recreational activities including fishing, boating, waterskiing, and picnicking. The U.S. Army Corps of Engineers (USACOE) constructed this reservoir for both flood control and irrigation purposes. The lake has a capacity of 85,000 acre-feet of water. The lake is located eight miles east of Porterville in the Sierra Nevada foothills area. Recreational opportunities include ranger programs, camping at the Tule campground, which provides 104 sites, boating, fishing, picnic sites, playgrounds and a softball field. Seasonal hunting is also permitted in the 1,400-acre Wildlife Management Area."[5]

National Parks and National Forests

"Most of the recreational opportunities in the county are located in Sequoia National Forest, Giant Sequoia National Monument, and in Sequoia and Kings Canyon National Parks (SEKI). Although these parks span adjacent counties, they make a significant contribution to the recreational opportunities that Tulare County has to offer."[6] See **Table 3.16-2** for a list of National Park and Forest facilities.

[4] Op. Cit. 4-7.
[5] Op. Cit.
[6] Op. Cit. 4-8.

Table 3.16-2
National Park and Forest Facilities[7]

Recreation Area	Location	Camping Sites
Sequoia National Forest		
Gray's Meadow	5 miles West of Independence on Onion Valley Road.	52 tent/RV sites
Oak Creek	4 ½ miles NW of Independence off SR 395.	21 tent/RV sites
Onion Valley	14 miles West of Independence on Onion Valley Road.	29 tent/RV sites
Stony Creek	14 miles SE of Grant Grove on Generals Highway.	49 tent/RV sites
Whitney Portal	13 miles West of Lone Pine on Whitney Portal Road.	43 tent/RV sites
Total		**194 sites**
Kings Canyon and Sequoia National Park		
Atwell Mill	Sequoia, 19 miles from SR 198 on Mineral King Road.	21 tent sites
Azalea	Kings Canyon, 3 ½ miles from Kings Canyon Park entrance.	110 tent sites
Buckeye Flat	Sequoia, 11 miles South of Giant Forest of Generals Highway.	28 tent sites
Canyon View	Cedar Grove in Kings Canyon N.P.	23 tent sites
Cold Springs	Sequoia, Mineral King Area.	25 tent sites
Crystal Springs	Kings Canyon, ½ mile North of Grant Grove.	67 tent/RV sites
Dorst Creek	Sequoia, 9 miles North of Lodgepole off Generals Highway.	210 tent/RV sites
Lodgepole	Sequoia, 4 miles NE of Cedar Grove.	203 tent/RV sites
Moraine	Kings Canyon, 1 mile east of Cedar Grove.	120 tent/RV sites
Potwisha	Sequoia, 4 miles NE of Ash Mountain entrance off Generals Highway.	42 tent/RV sites
Sentinel	In the Cedar Grove area near the Kings River.	82 tent sites
Sheep Creek	Kings Canyon, 1/2-mile West of Cedar Grove.	111 tent/RV sites
South Fork	Sequoia, 13 miles on South Fork from SR 198.	10 tent sites
Sunset	In the Grant Grove area 3 miles from Kings Canyon park entrance.	157 tent sites
Total		**1,209 sites**

Sequoia National Forest

"Sequoia National Forest takes its name from the Giant Sequoia, which is the world's largest tree. There are more than 30 groves of sequoias in the lower slopes of the park. The park includes over 1,500 miles of maintained roads, 1,000 miles of abandoned roads and 850 miles of trails for hikers, off-highway vehicle users and horseback riders. The Pacific Crest Trail connecting Canada and Mexico, crosses a portion of the forest, 78 miles of the total 2,600 miles of the entire trail. It is estimated that 10 to 13 million people visit the forest each year."[8]

Giant Sequoia National Monument

"The Giant Sequoia National Monument was created in 2000 by President Clinton in an effort to preserve 34 groves of ancient sequoias located in the Sequoia National Forest. The Monument includes a total of 327,769 acres of federal land, and provides various recreational opportunities, including camping, picnicking, fishing, and whitewater rafting. According to the Giant Sequoia National Monument Management Plan EIS, the Monument includes a total of 21 family

[7] Op. Cit. Table 4-2. 4-8.
[8] Op. Cit. 9. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf

campgrounds with 502 campsites and seven group campgrounds. In addition, there are approximately 160 miles of system trails, including 12 miles of the Summit National Recreation Trail."[9]

Sequoia and Kings Canyon National Parks (SEKI)

"The U.S. Congress created the Kings Canyon National Park in 1940 and Sequoia National Park in 1890. Because they share many miles of common boundaries, they are managed as one park. The extreme large elevation ranges in the parks (from 1,500 to 14,491 feet above sea level), provide for a wide range of vegetative and wildlife habitats. This is witnessed from exploring Mt. Whitney, which rises to an elevation of 14,491 feet, and is the tallest mountain in the contiguous United States. During the summer months, park rangers lead walks through the parks, and tours of Crystal and Boyden Caves. During the winter, visitors explore the higher elevations of the parks via cross country skis or snowshoes, or hike the trails in the foothills. The SEKI also contains visitor lodges, the majority of which are open year round. According to the National Parks Conservation Association, a combined total of approximately 1.4 million people visit the two parks on an annual basis."[10]

State Parks and Forests

Colonel Allensworth State Park

"The only State Park in Tulare County is Colonel Allensworth State Historic Park discussed in Section 9.3 [of the General Plan Background Report]. The park contains a museum and a visitor center addressing the town's history, as well as camping facilities. Allensworth is the only California town to be founded, financed and governed by African Americans. The small farming community was founded in 1908 by Colonel Allen Allensworth and a group of others dedicated to improving the economic and social status of African Americans. Uncontrollable circumstances, including a drop in the area's water table, resulted in the town's demise. With continuing restoration and special events, the town is coming back to life as a state historic park. The park's visitor center features a film about the site. A yearly rededication ceremony reaffirms the vision of its pioneers."[11]

Mountain Home State Forest

"The Mountain Home State Forest is a State Forest managed by the California Department of Forestry and Fire Protection (CDF). The Forest consists of 4,807 acres of parkland containing a number of Giant Sequoias, and is located just east of Porterville. The Forest is a Demonstration Forest, which is considered timberland that is managed for forestry education, research, and recreation. Fishing ponds, hiking trails, and campsites are some of the amenities that can be found in the Forest."[12]

[9] Op. Cit.
[10] Op. Cit.
[11] Op. Cit. 4-3.
[12] Op. Cit. 4-7.

Other Recreational Facilities

Other recreational resources available in Tulare County include portions of the Pacific Crest Trail, South Sierra Wilderness Area, Dome Land Wilderness Area, Golden Trout Wilderness Area, International Agri-Center, and the Tulare County Fairgrounds.[13]

In addition, there are several nature preserves open to the public which are owned and operated by non-profit organizations, including the Kaweah Oaks Preserve and Dry Creek- Homer Ranch preserves, both owned and operated by Sequoia Riverlands Trust.

Incorporated cities in the County also have a number of recreational facilities including neighborhood parks, play lots, pocket parks and other recreation facilities.[14]

REGULATORY SETTING

Federal Agencies & Regulations

United States National Park Service (NPS)

"The National Park Service (NPS) is a bureau of the U.S. Department of the Interior. "The National Park Service manages 418 individual units covering more than 84 million acres in all 50 states, the District of Columbia, and US territories. While there are at least 19 naming designations, these units are commonly referred to as "parks." Multiple parks may be managed together as an administrative unit with the National Park Service."[15]

State Agencies & Regulations

California Department of Parks and Recreation

"California Department of Parks and Recreation manages 280 park units, which contain the finest and most diverse collection of natural, cultural, and recreational resources to be found within California. These treasures are as diverse as California: From the last stands of primeval redwood forests to vast expanses of fragile desert; from the lofty Sierra Nevada to the broad sandy beaches of our southern coast; and from the opulence of Hearst Castle to the vestiges of colonial Russia. California State Parks contains the largest and most diverse natural and cultural heritage holdings of any state agency in the nation. The State Park System includes State Parks, State Natural Reserves, State Historic Parks, State Historic Monuments, State beaches, State Recreation Areas, State Vehicular Recreation Areas, State Seashores and State Marine Parks. Within the system are Natural and Cultural Preserves, lakes and reservoirs, coastal beaches, historic homes, Spanish era adobe buildings, lighthouses, ghost towns, museums, visitor centers, conference centers, and off-highway vehicle recreation areas. Together, State Park System lands

[13] Ibid. 3.9-32.
[14] Op. Cit. 3.9-29.
[15] National Park Service. Accessed February 2019 at: https://www.nps.gov/aboutus/national-park-system.htm.

protect and preserve an unparalleled collection of culturally and environmentally sensitive structures and habitats, threatened plant and animal species, ancient Native American sites, historic structures and artifacts... the best of California's natural and cultural history."[16]

Local Policy & Regulations

Tulare County General Plan Policies

ERM-5.2 Park Amenities - The County shall provide a broad range of active and passive recreational opportunities within community parks. When possible, this should include active sports fields and facilities, community center/recreation buildings, children's play areas, multi-use areas and trails, sitting areas, and other specialized uses as appropriate.

ERM-5.3 Park Dedication Requirements - The County shall require the dedication of land and/or payment of fees, in accordance with local authority and State law (for example the Quimby Act), to ensure funding for the acquisition and development of public recreation facilities.

ERM-5.5 Collocated Facilities - The County shall encourage the development of parks near public facilities such as schools, community halls, libraries, museums, prehistoric sites, and open space areas and shall encourage joint-use agreements whenever possible.

IMPACT EVALUATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Project Impact Analysis: ***No Impact***

Typically, the increased use of parks and recreational facilities result from the addition of new housing and the proposed Project. The applicant is seeking to operate an asphalt/concrete batch plant which will result in 15-20 new employees whom will likely be drawn from the existing labor force, as such, there is ***No Impact*** on any recreational facilities.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 Update RDEIR.

[16] California Dept. of Parks and Recreation. Accessed September 2019 at: http://www.parks.ca.gov/?page_id=91.

The proposed Project does not include housing or the accompanying population growth. The proposed Project will result in the need of 15-20 employees, which will not significant increase the use of parks or recreational facilities. As such, ***Less Than Significant Impact*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion***:*** ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Project Impact Analysis: ***No Impact***

As noted earlier, the proposed Project does not include new recreational facilities or the expansion of recreational facilities. And, as it will result in about 15-20 jobs which are anticipated to be filled by local residents, it will not result in the need for additional recreational facilities that are currently available. As such, ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and the Tulare County General Plan 2030 Update RDEIR.

As noted earlier, the proposed Project does not include new recreational facilities or the expansion of recreational facilities. As such, ***No Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

REFERENCES

California Department of Parks and Recreation. http://www.parks.ca.gov/?page_id=91. Accessed September 2019.

CEQA Guidelines, Section 15126.2(a)

National Park Service. https://www.nps.gov/aboutus/national-park-system.htm. Accessed June 2019.

Tulare County General Plan 2030 Update. August 2012 Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents.html.

Tulare County General Plan 2030 Update Background Report. February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf.

Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (DEIR). February 2010. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf.

Transportation
Chapter 3.17

SUMMARY OF FINDINGS

The proposed Project will result in a ***Less Than Significant Impact With Mitigation*** related to Transportation and Traffic. The *"Traffic Impact Study, Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California"* (TIS) report prepared by consultant Peters Engineering Group, is included in Appendix "F" of this document which is used as the basis for determining this Project will result in Less Than Significant Impacts with mitigation incorporated. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Transportation and Traffic. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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."[1]

The "Environmental Setting" provides a description of the Transportation and Traffic in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or Tulare County 2030 General Plan EIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist item questions. The following are potential thresholds for significance:

- Result in a Level of Service (LOS) less than "D"
- Unsafe roadway/circulation design
- Impact Air Traffic
- Dangerous Site Design
- Inadequate Access
- Need for additional Public Transit
- Need for additional Bike Facilities
- Need for additional Pedestrian Facilities

ENVIRONMENTAL SETTING

The proposed Project is located on the south side of Avenue 280 west of State Route (SR) 99 and east of Road 76. The site is not within the Sphere of Influence of the City of Visalia, which generally extends to the Avenue 280/SR 99 interchange. The area surrounding the proposed Project site predominantly consists of rural agricultural land, scattered rural residences, a private elementary school, active dairy facilities, the Visalia Municipal Airport (approximately 1.5 miles northeast), and the City of Visalia (approximately 2.5 miles east). The site is surrounded by dairies and dairy-related agricultural fields on its east, west, and south sides; and a walnut orchard to the north. It is generally bound by Avenue 280 (immediately north), Road 68 (0.50 miles west), Avenue 272 (0.75 miles south), and SR 99 (one mile east).

As noted in Chapter 2 Project Description, the concrete batch plant is expected to produce 100,000 cubic yards of concrete per year. Aggregate, cement, and fly ash will be delivered to the site and ready-mix concrete will be delivered from the site. The concrete and asphalt recycling

[1] CEQA Guidelines, Section 15126.2 (a).

operation will consist of accepting broken concrete and asphalt from contractors. The concrete and asphalt will be crushed into recycled base; it is anticipated that 30,000 tons of recycled base will be produced per year and delivered from the site. The hot-mix asphalt (HMA) batch plant is expected to produce 150,000 tons of HMA per year. Aggregate, oil, and propane will be delivered to the site and HMA will be delivered from the site. Site access will be provided via one main driveway connecting to the south side of Avenue 280 approximately 1,000 feet east of Road 76.

As described in the TIS, "The study locations were determined based on the anticipated Project traffic distribution, the size of the Project, and the existing conditions in the vicinity of the Project site. The following locations are included in the study:

1. Avenue 280 / Road 68
2. Avenue 280 / SR 99 Southbound Ramps
3. Avenue 280 / Drive 85B / Drive 88
4. SR 99 Northbound Ramps / Drive 88

The study time periods include the weekday a.m. and p.m. peak hours determined between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m."[2]

"The purpose of the highway, streets and roads section is to identify the existing regional circulation system and determine both feasible short-term and long-range improvements. Tulare County's planned circulation system consists of an extensive network of regional streets and roads, local streets and State Highways. The system is designed to provide an adequate [Level of Service] LOS that satisfies the transportation needs of County residents. However, Tulare County has experienced a large increase in population and is beginning to outgrow portions of the circulation system. The need for major improvements to the State Highways, streets and roads network is an important issue.

The existing State Highway system was completed in the 1950's and 60's. The average design life of a State Highway is approximately 20 years and many Tulare County's highways were constructed 50 years ago. The Agricultural and commercial industry continue to utilize the circulation system to get products to market. With industry intensification and other development, many facilities are beginning to show structural fatigue (e.g., surface cracks, potholes, and broken pavement)."[3]

"Caltrans and the Tulare County region will be placing more emphasis on corridors as an important element of the transportation system. The analysis of the regional circulation system in this 2018 RTP emphasizes people movement through transportation corridors. Caltrans defines a corridor as a "broad geographic area that includes various modes of transportation, local roads

[2] *"Traffic Impact Study Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California"* (TIS). Executive Summary. September 2018. Prepared by Peters Engineering Group and included in Appendix "F" of this DEIR.

[3] 2018 Regional Transportation Plan &Sustainable Communities Strategy, Tulare County Association of Governments (TCAG). Page B-50. http://www.tularecog.org/RTPSCS/ActionElement.pdf

and State Highways." Corridors may be defined as terms of the number of people or tonnage of freight moved in any particular direction, regardless of the facility.

Caltrans and the Tulare County region will be placing more emphasis on corridors as an important element of the transportation system. The analysis of the regional circulation system in this 2018 RTP emphasizes people movement through transportation corridors. Caltrans defines a corridor as a "broad geographic area that includes various modes of transportation, local roads and State Highways." Corridors may be defined as terms of the number of people or tonnage of freight moved in any particular direction, regardless of the facility.

Caltrans, Regional Transportation Planning Agencies (RTPAs), local transit agencies and local governments have developed the analysis of corridor needs. Caltrans developed a System Management Plan to reflect individual corridors and the relationship to each other. The emphasis on corridor planning will require open communication between the District and locals in order to develop a common database and consistent planning practices.

The 2018 RTP contains goals aimed at protecting and enhancing various corridors [see Figures A-2 and A-3 in the RTP for North/South and East-West Regional Corridors[4]; respectively]. The objective provides guidance toward coordination of local planning processes along the corridors. The policy supports limitation of direct access along regionally significant corridors. The data to be analyzed will include volume, length, type, destination, and modal split of person trips. Analysis of this data will help TCAG determine transportation corridor conditions and needs. In Tulare County major travel corridors often closely mirror regionally significant roadways. Major corridors identified by Caltrans and TCAG include:

- SR- 99 (including UP rail line);
- SR-43 (including BNSF rail line);
- City of Visalia to the City of Tulare including Mooney Boulevard, Demaree/Blackstone/Hillman, Akers Road and transit links;
- SR-65 from SR-198 to the City of Lindsay;
- City of Lindsay to City of Porterville, including SR-65 and Orange Belt Dr.;
- SR-65 from the City of Porterville to the Kern County line;
- SR-198/Sequoia National Park/Exeter/Hanford;
- SR-190/Road 152 from the Kings County line to the City of Porterville; and
- SR-137 from the Kings County line to the City of Lindsay."[5]

"Tulare County has interregional connections along the SR 198 corridor with Kings County, SR 99 with Kern and Fresno County, and SR 65 with Kern County and Ave 416 with Fresno County. The main corridors are currently running at capacity or near capacity. TCAG has coordinated with surrounding counties to improve these significant corridors By way of Proposition 1B funds, and other local and state funds, the SR-198 corridor has been widened between the cities of Visalia and Hanford. Segments of SR-99 have begun widening at the north end of Tulare County.

[4] Ibid. B-3 and B-4.
[5] Op. Cit. B-50 and B-51.

TCAG will continue to move forward on these major projects, in close partnership with Caltrans and neighboring jurisdictions."[6]

As indicated in the 2018 RTP, capacity and level of service are two significant criteria used to measure the ability of a roadway to handle volume and the speed of volume flow; respectively. Following are discussion excerpted from the 2018 RTP:

"Capacity

According to the 2010 Highway Capacity Manual (HCM), capacity is defined as "the maximum sustainable hourly flow rate at which persons or vehicles reasonably can be expected to traverse a point or a uniform section of a lane or roadway during a given time period under prevailing roadway, environmental, traffic and control conditions, usually expressed as vehicles per hour or persons per hour." The ratio of the roadway volume to its capacity, V/C, can be useful in determining the preliminary Level of Service (LOS) of a roadway.

Volume =	Actual number of vehicles.
Capacity =	Maximum number of vehicles on a particular segment of roadway during a specific time frame.

Level of Service

LOS is categorized by two parameters, uninterrupted flow and interrupted flow. Uninterrupted flow facilities have no fixed elements, such as traffic signals, that cause interruptions in traffic flow (e.g., freeways, highways, and controlled access, some rural roads). Interrupted flow facilities have fixed elements that cause an interruption in the flow of traffic such as stop signs and signalized intersections. The definitions and measurements used for determining level of service in interrupted and uninterrupted conditions are shown below:

Uninterrupted Traffic Flow Facilities

LOS A: Describes free-flow operations. Free-Flow Speed (FFS) prevails on the freeway, and vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream. The effects of incidents or point breakdowns are easily absorbed.

LOS B: Represents reasonably free-flow operations, and FFS on the freeway is maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high. The effects of minor incidents and point breakdowns are still easily absorbed.

LOS C: Provides for flow with speeds near the FFS of the freeway. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more care and vigilance on the

[6] Op. Cit. B-51.

part of the driver. Minor incidents may still be absorbed, but the local deterioration in service quality will be significant. Queues may be expected to form behind any significant blockages.

LOS D: At this level speeds begin to decline with increasing flows, with density increasing more quickly. Freedom to maneuver within the traffic stream is seriously limited and drivers experience reduced physical and psychological comfort levels. Even minor incidents can be expected to create queuing, because the traffic stream has little space to absorb disruptions.

LOS E: Describes operation at capacity. Operations on the freeway at this level are highly volatile because there are virtually no useable gaps within the traffic stream, leaving little room to maneuver within the traffic stream. Any disruption to the traffic stream, such as vehicles entering from a ramp or changing lanes, can establish a disruption wave that propagates throughout the upstream traffic flow. At capacity, the traffic stream has ability for serious breakdown and substantial queuing. The physical and psychological comfort afforded to drivers is poor.

LOS F: Describes breakdown, or unstable flow. Such conditions exist within queues forming behind bottlenecks. Breakdowns occur for a number of reasons:

Traffic incidents can temporarily reduce the capacity of a short segment, so that the number of vehicles arriving at a point is greater than the number of vehicles that can move through it.

Points of recurring congestion, such as merge or weaving segments and lane drops, experience very high demand in which the number of vehicles arriving is greater than the number of vehicles that can be discharged.

In analyses using forecast volumes, the projected flow rate can exceed the estimated capacity of a given location.

Interrupted Traffic Flow Facilities

LOS A: Describes operations with a control delay of 10 s/veh or less and a volume-to- capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

LOS B: Describes operations with a control delay between 10 and 20 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicles stop than with LOS A, with reasonably unimpeded travel between intersections.

LOS C: Describes operations with control delay between 20 and 35 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate. Individual cycle failures (i.e.one or more queued vehicles are not able to depart as a result of the insufficient capacity during the cycle) may begin to appear at this

level. The number of vehicles stopping is significant, although many vehicles still pass through the intersection without stopping. May be longer queues and operations between locations may be more restricted.

LOS D: Describes operations with control delay between 35 and 55 s/veh and a volume-to-capacity ratio no greater than 1.0. Travel speeds are about 40 percent below free flow speeds. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.

LOS E: Describes operations with control delay between 55 and 80 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to- capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent. Average travel speed is one-third of free flow speeds. The facility is generally at full capacity.

LOS F: Describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long. Most cycles fail to clear the queue. Extremely slow speeds with average delay of 80 seconds or more. Frequent stop and go conditions.

Caltrans policy defines LOS D as an acceptable operating condition when planning for future state facilities in urbanized areas. TCAG monitors traffic levels of service on the regional roads. An LOS of D or better is the goal on urban roads, and C on rural roads."[7]

"***Public Transit***

An inexpensive and clean alternative to adding additional lanes to highways, streets and roads is to provide mass transit systems. Transit service in the County is currently provided by both local agencies and contracted private operators. Mass transportation is an economical mode of transportation. In Tulare County, all public mass transportation is provided by fixed route buses and dial-a-ride services that meet all reasonable needs in the region. Tulare County is not directly serviced by passenger rail facilities although it is accessible to Hanford's Amtrak station by bus. Furthermore, inter-agency transfer points are becoming part of Tulare County's overall circulation system, in an effort to coordinate transit systems between adjacent agencies. TCAG will be leading the development of the first-ever Tulare County Regional Long Range Transit Plan. The plan will begin in late 2014. A clean alternative to adding additional lanes to highways, streets, and roads is to provide mass transit systems. Mass transportation provides transportation to large numbers of people to designated destinations by bus or train. In Tulare County, buses are the primary mode of public transportation. Fixed Route and Dial-A-Ride services are provided by Visalia Transit, Tulare Intermodal Express (TIME), Porterville Transit, Dinuba Transit, and

[7] Op. Cit. B-7 through B-9.

Tulare County Area Transit (TCaT). The City of Woodlake also operates a Dial-a-Ride only service.

In 2016, Visalia Transit began the V-LINE- bus service between Visalia (from the transit center and Visalia Municipal Airport) to various locations in Fresno County (the Fresno Yosemite International Airport, California State University, Fresno, and Courthouse Park). Intercounty connections are also provided by Dinuba Transit (to Reedley) and TCaT (to Delano and Kingsburg).

Amtrak, California's only operating interregional passenger rail service, doesn't directly serve Tulare County. The closest Amtrak stations are in the Cities of Hanford and Corcoran in Kings County. However, Amtrak does coordinate with Visalia Transit to provide a feeder bus linking Visalia from the city's transit center with the Hanford Station in Kings County. Greyhound and Orange Belt Stages also operate in Tulare County.

Public transportation in Tulare County also takes the form of shared-ride companies, carpools, and vanpools. Fixed route transit is generally used in the more populated urban areas while demand responsive transit and blended paratransit are often used in rural areas and communities.

Several regional programs and service exist in Tulare County. All transit providers participate in the T-Pass, which provides unlimited monthly fixed route rides, College of Sequoias Student Pass, which provided unlimited fixed route rides for students with their paid student fees, and the Greenline call center.

Mass transportation has the capability to reduce a large number of single vehicle occupancy trips and reduce emissions. All fixed-route providing public transit agencies in Tulare County have fleets of Compressed Natural Gas (CNG) vehicles and CNG fueling stations. Porterville and Visalia have begun procurement of electric buses that are scheduled to operational in 2018.

Goals for all transit agencies are to integrate transit into the growth and development of their cities and communities. As developments and road designs occur, transit shall be integrated when possible. High and medium density neighborhoods, commercial, medical, educational, and employment areas can all benefit from transit. Arterials and transit friendly corridors should be identified in cities and communities to serve the anticipated population growth to become transit users or transit dependent. Transit Plans and General Plans shall determine the feasibility and steps to implement express bus service and bus rapid transit, where demands exist or will exist in the future."[8]

"Social service transportation in Tulare County is being guided in a direction consistent with the Social Service Improvement Act of 1979 (AB 120). The law was enacted to promote the consolidation of such transportation services. The Act was established to improve efficient social service transportation by:

[8] Op. Cit. B-51 and B-52.

- Combining purchasing of necessary equipment
- Ensuring adequate training of vehicle drivers for reduced insurance rates
- Centralized dispatching of vehicles
- Centralized maintenance of vehicles
- Centralized administration
- Identification and consolidation of all existing sources of funding.

In Tulare County, social service transportation is provided by the following: local transit agencies, demand responsive operators and city/county special programs, Veterans' programs, mental health organizations, programs for senior, and more. TCAG reaches out to transportation providers identified in the Coordinated Public Transit – Human Services Transportation Plan and ensures that calls for projects are communicated with social service providers. Many of these programs are funded and subsidized through state and federal grants."[9]

"Public transportation provides an economical and efficient alternative for getting people to work, school and other chosen destinations. In Tulare County, buses are the primary mode of public transportation. Public transportation also takes the form of shared ride taxi, automobile and vanpools; dial-a-ride, and specialized handicapped accessible services. In Tulare County, social service transportation is provided by the following: local transit agencies, demand responsive operators and city/county special programs for senior citizens, mental health organizations and disabled citizens programs. These programs are funded and subsidized through State and federal grants, Local Transportation Funds (LTF), State Transit Assistance Funds (STAF), and local transportation sales tax revenues."[10]

"Tulare County has two major regional highways, State Highway [State Route] 99 and 198. State Highway [State Route] 99 connects Tulare County to Fresno and Sacramento to the north and Bakersfield to the south. State Highway [State Route] 198 connects from U.S. Highway 101 on the west and continues eastward to Tulare County, passing through the City of Visalia and into Sequoia National Park. The highway system in the County also includes State highways, County-maintained roads, and local streets within each of the eight cities."[11]

"Tulare County's transportation system is composed of several State Routes, including three freeways, multiple highways, as well as numerous county and city routes. The county's public transit system also includes two common carriers (Greyhound and Orange Belt Stages), the AMTRAK Service Link, other local agency transit and Para transit services, general aviation, limited passenger air service and freight rail service."[12]

"Some prominent county roadways include, but are not limited to, Alta Avenue (Road 80), Caldwell Avenue/Visalia Road (Avenue 280), Demaree Road/Hillman Street (Road 108), Tulare Avenue (Avenue 232), Olive Avenue (Avenue 152), Spruce Road (Road 204), El Monte Way

[9] Op. Cit. B-52 and B-53.
[10] Tulare County General Plan 2030 Update Background Report. Page 1-14.
[11] Ibid. 13-2.
[12] Op. Cit. 5-4.

(Avenue 416), Paige Avenue (Avenue 216), Farmersville Boulevard (Road 164), Road 192, and Road 152. Additionally, the highway system includes numerous county-maintained local roads, as well as local streets and highways within each of the eight cities and several unincorporated communities."[13]

"Travel within Tulare County is a function of the size and spatial distribution of its population, economic activity, and the relationship to other major activity centers within the Central Valley (such as Fresno and Bakersfield) as well as more distant urban centers such as Los Angeles, Sacramento, and the Bay Area. In addition, there is considerable travel between the northwest portions of Tulare County and southern Fresno County and travel to/from Kings County to the west. Due to the interrelationship between urban and rural activities (employment, housing, services, etc.) and the low average density/ intensity of land uses, the private automobile is the dominant mode of travel for residents in Tulare County."[14]

"Public transportation provides an economical and efficient alternative for getting people to work, school and other chosen destinations. In Tulare County, buses are the primary mode of public transportation. Public transportation also takes the form of shared ride taxi, automobile and vanpools; dial-a-ride, and specialized handicapped accessible services. In Tulare County, social service transportation is provided by the following: local transit agencies, demand responsive operators and city/county special programs for senior citizens, mental health organizations and disabled citizens programs. These programs are funded and subsidized through State and federal grants, Local Transportation Funds (LTF), State Transit Assistance Funds (STAF), and local transportation sales tax revenues."[15]

Airport

"There are nine public use airports in Tulare County. These include six publicly owned and operated facilities (Porterville Municipal, Sequoia Field, Tulare Municipal [Mefford Field], Visalia Municipal, Woodlake, and Harmon Field [currently closed]) and three privately owned and operated airports (Alta Airport [currently closed], Thunderhawk Field, and Eckert Field). Badger Field is under consideration for Federal Aviation Administration (FAA) recertification as a restricted private airfield (as of August 2006)."[16]

Design for Emergency Access

According to § 21060.3 and § 15359 of the CEQA Guidelines, an "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage. A Proposed Project could potentially generate impacts through inadequate design for emergency access.

[13] Op. Cit. 5-7.
[14] Op. Cit. 5-4.
[15] Op. Cit. 1-14.
[16] Op. Cit. 13-2.

Alternative Transportation/Tulare County Area Transit (TCaT)

The nearest fixed route service area is in the unincorporated community of Traver approximately five (5) miles south of the Project site. Traver is part of Route 50 (Dinuba-London-Traver-Delft Colony Route). Although fixed-route service is not available within the proposed Project site, demand responsive (Dial-A-Ride) service is available to transport General fare riders to the nearest route. Also, TCaT provides a summary of how their fixed route service is available in their "How to Ride" information which includes topics such as TCaT Stops, Waiting for the Bus, Paying your Fare, Bicycles on Buses, Service Animals, Luggage and Strollers, and Lost and Found.[17] "Tulare County Area Transit (TCaT) Dial-A-Ride Service is a coordinated and accessible "curb to curb" service designed to provide comparable Para transit service for ADA (Americans with Disabilities Act) certified individuals with disabilities that prevent them from riding the TCAT fixed-route buses. In addition (TCaT) Dial-A-Ride provides same day service to the General Public (Non-ADA) passengers based on space availability."[18]

Traffic Impact Study Requirement

As it was anticipated that the proposed Project would generate more than 100 peak hour trips, it was determined that a traffic impact study was required. "The following criterion is a starting point in determining when a TIS is needed. When a project:

1. Generates over 100 peak hour trips assigned to a State highway facility
2. Generates 50 to 100 peak hour trips assigned to a State highway facility – and, affected State highway facilities are experiencing noticeable delay; approaching unstable traffic flow conditions (LOS "C" or "D").
3. Generates 1 to 49 peak hour trips assigned to a State highway facility – the following are examples that may require a full TIS or some lesser analysis[4]:
    a. Affected State highway facilities experiencing significant delay; unstable or forced traffic flow conditions (LOS "E" or "F").
    b. The potential risk for a traffic incident is significantly increased (i.e., congestion related collisions, non-standard sight distance considerations, increase in traffic conflict points, etc.).
    c. Change in local circulation networks that impact a State highway facility (i.e., direct access to State highway facility, a non-standard highway geometric design, etc.)."[19]

REGULATORY SETTING

Federal Agencies & Regulations

[17] Tulare County Area Transit "How To Ride" accessed June 2019 at: https://ridetcat.org/how-to-ride/

[18] Op. Cit. Dial-A-Ride accessed June 2019 at: https://ridetcat.org/dial-a-ride/ada-program/

[19] Guide for the Preparation of Traffic Impact Studies, California Department of Transportation, December 2002. Page 2. http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

None that apply to the proposed Project.

State Agencies & Regulations

Caltrans: Transportation Concept Reports

Caltrans has prepared a number concept reports for State Routes, Interstate Routes, and U.S. Routes. Tulare County is located in Caltrans District 6. As identified in the Project Traffic Study, "The proposed Project will cause a significant impact by decreasing the LOS at the intersection of Avenue 280 and the SR 99 southbound ramps to E during the a.m. peak hour."[20] Additional elaboration is included at the discussion of Item 17 a) (beginning on page 3.17-16 of this Chapter

Caltrans Guide for the Preparation of Traffic Impact Studies

"The California Department of Transportation (Caltrans) has developed this "Guide for the Preparation of Traffic Impact Studies" in response to a survey of cities and counties in California. The purpose of that survey was to improve the Caltrans local development review process (also known as the Intergovernmental Review/California Environmental Quality Act or IGR/CEQA process). The survey indicated that approximately 30 percent of the respondents were not aware of what Caltrans required in a traffic impact study (TIS)."[21] As identified on page one of the Traffic Study for the Project, the scope of the study is based on the guidelines contained in Caltrans' Guide for the Preparation of Traffic Impact Studies.

Local Policy & Regulations

Tulare County Transportation Control Measures (TCM)

"Transportation Control Measures (TCM) are designed to reduce vehicle miles traveled, vehicle idling, and/or traffic congestion in order to reduce vehicle emissions. Currently, Tulare County is a nonattainment region under the Federal Clean Air Act (CAA) and the California Clean Air Act (CCAA). Both of these acts require implementation of TCMs. These TCMs for Tulare County are as follows:

- Rideshare Programs;
- Park and Ride Lots;
- Alternate Work Schedules;
- Bicycle Facilities;
- Public Transit;
- Traffic Flow Improvement; and

[20] *"Traffic Impact Study Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California"* (TIS). Page 15. September 2018. Prepared by Peters Engineering Group and included in Appendix "F" of this DEIR.

[21] Guide for the Preparation of Traffic Impact Studies, California Department of Transportation, December 2002. Page ii.

- Passenger Rail and Support Facilities."[22]

Tulare County Association of Governments (TCAG)

"The circulation system in Tulare County plays a significant role in the economy by moving goods and people. A rural region, Tulare County is dependent on local highways, streets, roads, and railways to meet basic transportation needs. Goods movement is specifically dependent on road conditions and capacity."[23] "TCAG's outreach for the 2018 Regional Transportation Plan included, for the first time, the establishment of a Regional Transportation Plan Roundtable. The RTP Roundtable membership includes 27 positions from varied sectors of the region, including, but not limited to, representatives of Affordable Housing, Disabled Access, Agriculture, Public Transportation, Goods Movement, Building and Development…"[24] "Major generators of goods movement in the region include agriculture, but increasingly, a diversified range of raw materials and products are also generating trips on the network and rail system. In an agriculturally based economy, much of the goods movement would be "seasonal"; in a diversified economy, the flow of goods is year round. The impacts from heavy duty trucks are disproportionately higher within the San Joaquin Valley. High truck volumes such as those found in Tulare County cause higher maintenance costs due to reduced pavement life. Level-of-service (LOS) is also reduced due to increased truck proportions. Safety is reduced due to conflicts with passenger vehicles as well as pavement failures. Other types of economic losses in the form of damaged produce occur as a result of congestion, diminished air quality and pavement failure. All of these factors, as well as others, lead to a strong case of increased funding for maintenance and rehabilitation, as well as geometric and capacity improvements to accommodate truck operations."[25]

The specific RTP policies that apply to the proposed Project are as follows:

"***COMPREHENSIVE***

GOAL: PROVIDE AN EFFICIENT, INTEGRATED, MULTI-MODAL TRANSPORTATION SYSTEM FOR THE MOVEMENT OF PEOPLE AND GOODS THAT ENHANCES THE PHYSICAL, ECONOMIC, AND SOCIAL ENVIRONMENT IN THE TULARE COUNTY REGION.

Objective: Encourage and support a connected and multi-modal regional circulation network that is convenient, safe, and efficient.

Policies:

1. Encourage jurisdictions in Tulare County to consider bicycle lanes, public transit, transit-oriented and mixed-use development, pedestrian networks, rail

[22] Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report. Page 3.2-2.

[23] 2018 Regional Transportation Plan &Sustainable Communities Strategy, Tulare County Association of Governments (TCAG). Page B-1. Accessed June 2019 at: http://www.tularecog.org/RTPSCS/ActionElement.pdf.

[24] Ibid. A-3. Accessed June 2018 at: http://www.tularecog.org/RTPSCS/PolicyElement.pdf

[25] Ibid. B-65. Accessed June 2019 at: http://www.tularecog.org/RTPSCS/PolicyElement.pdf

and other complete streets development during updates of general plans and other local planning processes.

2. Implement a Complete Streets Program whereby agencies will prepare plans to accommodate all transportations users, including pedestrians, bicyclists, transit riders, and motor vehicle operators and riders, and utilize existing revenue and other funding sources to coordinate with local agencies to implement those plans as aggressively as feasible.

3. Provide for continued coordination and evaluation of the planned circulation system among cities and the county.

4. Make existing road and bridge maintenance a high priority."[26]

"GOODS MOVEMENT

GOAL: PROVIDE A TRANSPORTATION SYSTEM THAT EFFICIENTLY AND EFFECTIVELY TRANSPORTS GOODS TO, FROM, WITHIN, AND THROUGH TULARE COUNTY.

Objective: Encourage the interaction of truck, rail, and air freight transportation.

Policies:
1. Work with Caltrans and adjacent regions in the development of intermodal corridors.
2. Include comprehensive goods movement planning in the RTP.
3. Implement the San Joaquin Valley Goods Movement Plan.

GOAL: IMPROVE GOODS MOVEMENT WITHIN THE REGION TO INCREASE ECONOMIC VITALITY, MEET THE GROWING NEEDS OF FREIGHT AND PASSENGER SERVICES, AND IMPROVE TRAFFIC SAFETY, AIR QUALITY, AND OVERALL MOBILITY.

Objective: Support an efficient truck transportation system.

Policy:
1. Give special consideration to transportation projects that improve air quality and the operational efficiency of goods movement.
2. Explore the possibility of a zero emission freight corridor on SR 99 utilizing a catenary hybrid-electric system through a Valley-wide feasibility study."[27]

"REGIONAL ROADS AND CORRIDORS

[26] Ibid. A-3 and A-4. At: http://www.tularecog.org/RTPSCS/PolicyElement.pdf
[27] Op. Cit. A-10 and A-11.

GOAL: PRESERVE AND ENHANCE REGIONAL TRANSPORTATION ROADS AND CORRIDORS.

Objective: Coordinate local and regional planning of new development that minimizes and/or mitigates impacts along regional corridors.

Policy:

1. Support development that identifies and implements transportation network improvements to maintain or improve the existing transportation system condition and efficiency.

Objective: Evaluate and consider current and future congestion conditions on the regional road network when investing in the transportation system.

Policies:

1. Support improvements of critical segments and interchanges along the State Highway System.
2. Encourage frontage roads along state highways, where appropriate.
3. Support improvements on regional roads to include safe accessibility for active modes of transportation.

Objective: Consider safety, efficiency, and connectivity when investing in the regional road network.

Policies:

1. Improve safety and capacity of vital east-west corridors.
2. Encourage restriction of direct access along regionally significant corridors by limiting the spacing of signalized intersections to 1/2-mile intervals and interchanges to one mile

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

LU-5.5 Access - The County shall locate industrial development where there is access from collector or arterial roads, and where industrial/heavy commercial traffic is not routed through residential or other areas with uses not compatible with such traffic."[28]

LU-7.4 Streetscape Continuity - The County shall ensure that streetscape elements (e.g., street signs, trees, and furniture) maintain visual continuity and follow a common image for each community.

[28] Op. Cit. A-13

TC-1.13 Land Dedication for Roadways and Other Travel Modes - As required by the adopted County Improvement Standards, the County shall require, where warranted, an irrevocable offer of dedication to the right-of-way for roadways and other travel modes, as part of the development review process.

TC-1.14 Roadway Facilities - As part of the development review process, new development shall be conditioned to fund, through impact fees, tonnage fees, and/or other mechanism, the construction and maintenance of roadway facilities impacted by the project. As projects or locations warrant, construction or payment of pro-rata fees for planned road facilities may also be required as a condition of approval.

TC-1.15 Traffic Impact Study - The County shall require an analysis of traffic impacts for land development projects that may generate increased traffic on County roads. Typically, applicants of projects generating over 100 peak hour trips per day or where LOS "D" or worse occurs, will be required to prepare and submit this study. The traffic impact study will include impacts from all vehicles, including truck traffic.

TC-1.16 County Level Of Service (LOS) Standards - The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of "D" or better in accordance with the LOS definitions established by the Highway Capacity Manual.

IMPACT EVALUATION

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

As indicated in the TIS, proposed projects typical rely on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, to estimate the anticipated number or trips associated with a project. However, ITE does not contain trip generation information for concrete batch plants, hot-mixed asphalt plants, or production of recycled base. Therefore, traffic consultant Peters Engineering Group (consultant) estimated trip generation based on the volume of material to be hauled and other Project-specific characteristics. "Table 3 [of the TIS (included in Appendix "F") and **Table 3.17-1** in this document] presents the various types of vehicles expected to access the Project site. The type of material to be hauled, the vehicle capacity, the annual number of trips, and the average weekday trips are also

presented."[29] **Table 3.17-2** is an extrapolation of the total number of trucks from **Table 3.17-2** [Table 3 of the TIS].

Table 3.17-1
Annual Project Trip Generation[30]

Vehicle Type	Truck Axles	Capacity	Approx. Material per Yr.	Annual Trips		Avg. Weekday Trips*	
				Entering	Exiting	Entering	Exiting
Employee automobiles	n/a	n/a	n/a	4,680	4,680	15	15
Ready Mix Concrete Trucks	4	10 cu. yds.	100,000 cubic yards (200,000 tons)	10,000	10,000	40	40
Aggregate Trucks (incoming sand and gravel for concrete)	≥5	25 tons	160,000 tons	6,400	6,400	26	26
Cement Delivery Trucks	≥5	25 tons	28,000 tons	1,120	1,120	5	5
Recycled Base Trucks (sales)	≥5	25 tons	30,000 tons	1,200	1,200	5	5
Recycled Material End Dumps (Incoming material)	≥5	22 tons	22,500	1,023	1,023	4	4
Recycled Material (Incoming material)	3	12 tons	7,500 tons	625	625	3	3
HMA Trucks	≥5	25 tons	150,000 tons	6,000	6,000	24	24
Aggregate Trucks (incoming sand and gravel for HMA)	≥5	25 tons	125,000 tons	4,800	4,800	19	19
Oil Delivery Trucks	≥5	7,500 gallons	1,664,335 gallons	222	222	1	1
Propane Delivery Trucks	≥5	11,000 gallons	450,000 gallons	41	41	0	0
Fuel Trucks (diesel for on-site vehicle operations	≥5			26	26	0	0
Outside Services	2			250	250	1	1
Other Materials/Services	2			250	250	1	1
TOTAL:				**36,637**	**36,637**	**144**	**144**

** Divided over 50 weeks per year and five days per week.*

Table 3.17-2
ANNUAL PROJECT TRIP GENERATION
TWO-TO-FIVE AXLE TRUCKS[31]

No. of Axles	Annual Trips		Avg. Weekday Trips*	
	Entering	Exiting	Entering	Exiting
Two axle trucks	500	500	2	2
Three axle trucks	625	625	3	3
Sub-Total: Two and Three axle trucks	1,125	1,125	5	5
Four axle trucks	10,000	10,000	40	40
Five axle trucks	20,832	20,832	84	84
Sub-Total: Four and Five axle trucks	30,832	30,832	124	124
TOTAL TRUCKS	**31,957**	**31,957**	**138**	**138**

** Divided over 50 weeks per year and five days per week.*

[29] *"Traffic Impact Study, Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California"* (TIS) report September 2018. Page 5. Prepared by consultant Peters Engineering Group and included in Appendix "F" of this DEIR.

[30] Op. Cit. Table 3 Annual Project Trip Generation. Page 6. (Revised 9/15/19).

[31] Op. Cit. Extrapolation from Table 3.

"Table 4 [of the TIS and **Table 3.17-3** in this document] presents estimates of the maximum peak hour trips estimated to be generated by the Project."[32]

Table 3.17-4 is an extrapolation of the total number of trucks from Table 4 of the TIS.

As noted earlier, the peak hour of adjacent street traffic was determined to be from 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. on a weekday while school was in session. The counts included pedestrians, bicycles, and heavy vehicles. [33]

TABLE 3.17-3[34]
Peak Hour Project Trip Generation – Maximum Production*

Vehicle Type	Axles[35]	A.M. Peak Hour		P.M. Peak Hour	
		Entering	Exiting	Entering	Exiting
Employee automobiles	n/a	00**	00**	2	10
Ready Mix Concrete Trucks	4	16	16	8	8
Aggregate Trucks (incoming sand and gravel for concrete)	≥5	10	10	0	5
Cement Delivery Trucks	≥5	2	2	0	1
Recycled Base Trucks (sales)	≥5	2	2	1	1
Recycled Material End Dumps (Incoming material)	≥5	2	2	1	1
Recycled Material (Incoming material)	3	1	1	0	0
HMA Trucks	≥5	10	10	5	5
Aggregate Trucks (incoming sand and gravel for HMA)	≥5	8	8	0	4
Oil Delivery Trucks	≥5	0	0	0	0
Propane Delivery Trucks	≥5	0	0	0	0
Fuel Trucks (diesel for on-site vehicle operations	≥5	0	0	0	0
Outside Services	2	1	1	0	0
Other Materials/Services	2	1	1	0	0
TOTAL:		**53**	**53**	**17**	**35**

* *Maximum trips per hour are estimated by multiplying the average weekday trips in Table 3 by two (to estimate a very busy day) and then assuming that 20 percent of the trips on that day occur during the a.m. peak hour and 10 percent of the trips on that day occur during the p.m. peak hour, with the exception that most deliveries to the site are not expected to occur late in the day.*

** *Assumes employees arrive before 7:00 a.m.*

[32] Op. Cit. 5
[33] Op. Cit. 6.
[34] Op. Cit. Table 4 Annual Project Trip Generation. Page 7. (Revised 9/15/19).
[35] Op. Cit. Extrapolated from Table 4.

Table 3.17-4
PEAK HOUR PROJECT TRIP GENERATION – MAXIMUM PRODUCTION TWO-TO-FIVE AXLE TRUCKS [36]

No. of Axles	A.M. PEAK HOUR		P.M. PEAK HOUR	
	Entering	Exiting	Entering	Exiting
Two axle trucks	0	0	0	0
Three axle trucks	2	2	0	0
Sub-Total: Two and Three axle trucks	2	2	0	0
Four axle trucks	16	16	8	8
Five axle trucks	31	31	7	8
Sub-Total: Four and Five axle trucks	47	47	15	16
TOTAL TRUCKS	**49**	**49**	**15**	**16**

"Passenger car equivalents (PCE) represent the number of passenger cars displaced by a single heavy vehicle (vehicles with more than four wheels touching the pavement during normal operations) under certain roadway, traffic, and control conditions. The use of PCEs compensates for the operational characteristics of heavy vehicles (e.g., slower acceleration and deceleration than passenger vehicles) as well as the roadway space displaced. The Transportation Research Board *Highway Capacity Manual, 6th Edition,* identifies a PCE factor of 2.0 for a default mix of trucks in level terrain on highway segments. A greater PCE factor is reasonable for 25-ton capacity trucks because these trucks are long, heavy, accelerate more slowly, and require more distance to decelerate. For purposes of peak hour operations, a PCE of 3.0 is applied for the 25-ton capacity trucks, a PCE of 2.0 is applied for ready-mix trucks and three-axle trucks, and a PCE of 1.5 is applied for two-axle trucks. Table 5 [of the TIS] presents a summary of the peak hour Project trips in terms of PCE. Pass-by trips and internal capture reductions are negligible for this type of project and are not applied to the Project trip generation."[37]

"The distribution of Project trips was estimated based on the locations of complementary land uses, available routes, and engineering judgment. The percentage distribution of Project trips is presented in the attached Figure 5 [of the TIS], Project Trip Distribution Percentages. The peak-hour Project traffic volumes presented in Table 5 [of the TIS] were assigned to the adjacent road network in accordance with the trip distribution percentages described above. The peak-hour Project traffic volumes are presented in Figure 6 [of the TIS], A.M. and P.M. Peak Hour Project Traffic Volumes. The peak-hour Project traffic volumes in terms of PCE are presented in Figure 7 [of the TIS], A.M. and P.M. Peak Hour Project Traffic Volumes – Passenger Car Equivalents."[38]

[36] Op. Cit. Extrapolated from Table 4.
[37] Op. Cit. 5.
[38] Op. Cit. 8.

The TIS contains analyses for existing, existing-plus-project traffic volumes, cumulative Year 2040 traffic volumes, intersections, (operational and queuing), and traffic signal volume warrants in pages 8 through 13. The TIS concludes, "The intersection analyses indicate that the study intersections are currently operating at acceptable levels of service with adequate storage capacity for the calculated 95th-percentile queues."[39]

The Existing-Plus-Project Conditions analysis contained in the TIS states, "The existing-plus-Project conditions analyses represent conditions that would occur after construction of the Project in the absence of other pending projects and regional growth. This scenario isolates the specific impacts of the Project. The results of the analyses indicate the Project would cause the intersection of Avenue 280 and the SR 99 southbound ramps to operate at LOS E during the a.m. peak hour. This is a significant impact. Interchange reconstruction is in the design phase and is programmed with an identified funding source. The pending reconstruction is expected to mitigate the significant impact. With implementation of the interchange reconstruction the intersection would operate at acceptable levels of service. Tables 13 and 14 [of the TIS] present the results of mitigated analyses. The mitigated intersection analysis sheets are included in Appendix E [of the TIS]. It is noted that the impact will remain significant and unavoidable until the interchange reconstruction is complete in approximately 2024. The other study intersections will continue to operate at acceptable levels of service with adequate storage capacity for the calculated 95th-percentile queues."[40]

The cumulative traffic analysis contained in the TIS concludes, "The year 2040 with-Project conditions analyses include the assumption that the Project site is developed with the proposed Project and that reconstruction of the SR 99/Caldwell Avenue (Avenue 280) interchange has been completed. This scenario estimates the long-term cumulative impacts. The Project may be responsible for an equitable share of the interchange improvements if the interchange is not fully funded considering the significant impacts identified in the existing-plus-Project scenario.

The study intersections are expected to operate at acceptable levels of service with the proposed Project and interchange reconstruction through the year 2040."[41]

The Executive Summary contained in the TIS provides the following; "Generally-accepted traffic engineering principles and methods were employed to estimate the amount of traffic expected to be generated by the Project, to analyze the existing traffic conditions, and to analyze the traffic conditions projected to occur in the future. The study intersections are currently operating at acceptable levels of service with adequate storage capacity for the calculated 95th-percentile queues. The proposed Project will cause a significant impact by decreasing the LOS at the intersection of Avenue 280 and the SR 99 southbound ramps to E during the a.m. peak hour. Tulare County and the Tulare County Association of Governments have initiated an interchange reconstruction project at the SR 99/Caldwell Avenue (Avenue

[39] Op. Cit. 13.
[40] Op. Cit. 13.
[41] Op. Cit. 13 and 14.

280) interchange that will mitigate the Project impact to a less than significant level. Caltrans is managing the project through a reimbursement agreement and plans to circulate a Draft Environmental Impact Report (DEIR) in October/November of 2018. The interchange reconstruction is programmed and has an identified funding source. The reconstruction is planned to be complete by 2024. The Project impact would remain significant and unavoidable until the interchange reconstruction is complete. The study intersections are expected to operate at acceptable levels of service with the proposed Project and interchange reconstruction through the year 2040. To mitigate its share of the impacts to the interchange, the Project may be responsible for an equitable share of any unfunded portions of the interchange project."[42] **Table 3.17-5** shows the volume of trips expected to be generated by the proposed Project at the SR 99/Avenue 280 (Caldwell Avenue). As indicated in the TIS, "It is anticipated that construction costs and interchange volumes to be presented in SR 99/Caldwell Avenue [Avenue 280] interchange reconstruction DEIR will be utilized by Caltrans to develop equitable share calculations resulting in a per-trip fee that may be applied equitably to all development projects contributing trips to the interchange. Table 15 [of the TIS, **Table 3.17-5** in this DEIR] presents the volume of trips expected to be generated by the proposed Project at the interchange."

Table 3.17-5
Project Trip Trace Values – SR 99/Avenue 280 Interchange[43]

Movement	A.M. Peak Hour Volume	P.M. Peak Hour Volume
EB Caldwell to NB 99 19 12	19	12
EB Caldwell past 99 11 7	11	7
EB Caldwell to SB 99 19 12	19	12
WB Caldwell to NB 99 0 0	0	0
EB Caldwell past 99 11 3	11	3
WB Caldwell to SB 99 0 0	0	0
SB 99 to EB Caldwell 0 0	0	0
SB 99 to WB Caldwell 19 5	19	5
NB 99 to EB Caldwell 0 0	0	0
NB 99 to WB Caldwell	19	6

Implementation of Mitigation Measure 17-1 and conditions of approval would mitigate the project to ***Less Than Significant With Mitigation.***

Mitigation: ***See Mitigation Measures 17-1*** and ***17-2***

The Project will contributes to deterioration of the structural condition of Avenue 280 over time. As such, Public Works staff and the Applicant agree that a Condition of Approval will be utilized to properly maintain this segment of Avenue 280. It is anticipated that 90% of the heavy-duty trucks will utilize this segment of Avenue 280 between the entry/exit point of the project and SR 99, and 10% of the heavy-duty trucks will utilize this segment Avenue 280 west of the entry/exit point of the project. It is estimated that the Project will contribute

[42] Op. Cit. Executive Summary. Note: Caltrans has not completed/released Draft EIR noted in this citation as of the release date of this DEIR.
[43] Op. Cit. 15.

approximately 47% of all traffic utilizing this segment of Avenue 280. Therefore, in consultation with the County, the Project Applicant will pay their fair share towards the necessary maintenance based on a proportionate share calculation based on vehicle impact to the structural section (through the roadway ESAL of the Project) resulting in an estimate that calculates the Applicant's fair share of maintenance costs for this roadway segment between SR 99 and the Tulare/Kings County line. This shall be made a Condition of Approval of the Project.

17-1 The Project Applicant will be responsible for paying an equitable share fee as determined between the Applicant and Caltrans based on the trips identified in Table 3.17-1 or through another methodology agreed upon by Applicant and Caltrans. Applicant and Caltrans will determine terms and timing of the equitable share.

17-2 The Project Applicant will pay their fair share towards the necessary maintenance based on a proportionate share calculation based on vehicle impact to the structural section for this roadway segment between SR 99 and the Tulare/Kings County line. This shall be made a Condition of Approval of the Project.

Conclusion: ***Less Than Significant Impact With Mitigation***

Potential Project-specific impacts related to this Checklist item are ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. As stated in the TIS, "The Tulare County Association of Governments (TCAG) maintains a travel model that is typically used to forecast future traffic volumes. An increment method was utilized to forecast traffic volumes for future conditions by determining the growth projected by the model between the base year and the analysis year. This growth is added to the existing traffic volumes and the result is the predicted future traffic volume on the road segment. The TCAG travel model data output is included in the attached Appendix B [of the TIS]. In some cases, the travel model may project growth that is equivalent to less than one percent per year. For purposes of this study, a minimum annual growth rate of one percent was maintained for traffic traveling west of SR 99. Traffic expected to be generated by the Sequoia Gateway Commerce Park (SGCP) project east of SR 99 was obtained from the SGCP DEIR and included in the cumulative traffic volume projections.

Future turning movements forecasts were based on the methods presented in Chapter 8 of the Transportation Research Board National Cooperative Highway Research Program Report 255 entitled *"Highway Traffic Data for Urbanized Area Project Planning and Design."*

The cumulative year 2040 traffic volumes with the Project are presented in Figure 10 [in the TIS], Year 2040 Cumulative With-Project Peak-Hour Traffic Volumes. The cumulative year

2040 traffic volumes with the Project PCE volumes are presented in Figure 11 [in the TIS], Year 2040 Cumulative With-Project Peak-Hour Traffic Volumes – Passenger Car Equivalents."[44]

"The year 2040 with-Project conditions analyses include the assumption that the Project site is developed with the proposed Project and that reconstruction of the SR 99/Caldwell Avenue (Avenue 280) interchange has been completed. This scenario estimates the long-term cumulative impacts. The Project may be responsible for an equitable share of the interchange improvements if the interchange is not fully funded considering the significant impacts identified in the existing-plus-Project scenario. The study intersections are expected to operate at acceptable levels of service with the proposed Project and interchange reconstruction through the year 2040."[45] Therefore, as an abundance of caution, and if necessary, the implementation of **Mitigation Measures 17-1** and **17-2** would ensure the Project's contribution (i.e., equitable share) of interchange improvements would result in a ***Less Than Significant Impact With Mitigation***.

Mitigation: ***Mitigation Measures 17-1*** and ***17-2.***

Conclusion: ***Less Than Significant Impact With Mitigation***

Potential Project-specific and cumulative impacts related to this Checklist item are ***Less Than Significant With Mitigation.***

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Project Impact Analysis: ***Less Than Significant Impact***

The County's General Plan Policy: TC-1.16 Tulare County LOS Standards calls for an LOS of "D" or better. Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing [Measure of Effectiveness] MOE should be maintained. As noted in the TIS, "The study intersections are currently operating at acceptable levels of service with adequate storage capacity for the calculated 95$_{th}$-percentile queues. The proposed Project will cause a significant impact by decreasing the LOS at the intersection of Avenue 280 and the SR 99 southbound ramps to E during the a.m. peak hour. Tulare County and the Tulare County Association of Governments have initiated an interchange reconstruction project at the SR 99/Caldwell Avenue (Avenue 280) interchange that will mitigate the Project impact to a less than significant level. Caltrans is managing the

[44] Op. Cit. 9
[45] Op. Cit. 13-14.

project through a reimbursement agreement and plans to circulate a Draft Environmental Impact Report (DEIR) in October/November of 2018.[46] The interchange reconstruction is programmed and has an identified funding source. The reconstruction is planned to be complete by 2024. The impact would remain significant and unavoidable until the interchange reconstruction is complete. The study intersections are expected to operate at acceptable levels of service with the proposed Project and interchange reconstruction through the year 2040."[47] Additionally, the 2018 Regional Transportation Plan & Sustainable Communities Strategy, adopted by the TCAG, notes that; "The Cities of Visalia, Tulare, Dinuba and Lindsay have the most congested corridors (or segments of corridors) in Tulare County and are candidates for TSM strategies."[48] Although the Project site is located just south of the City of Visalia's sphere of influence along Avenue 280 (and approximately two miles west of the City's western city limits), the Proposed Project would not have an immediate impact on high congestion areas of Tulare County as 80 percent of the trips from the site would use SR 99 (70%) to travel north or south, while 10 percent would use Avenue 280 to travel toward Kings County. As noted earlier, the Project may be responsible for an equitable share of the interchange improvements if the interchange is not fully funded considering the significant impacts identified in the existing-plus-Project scenario. If necessary, **Mitigation Measures 17-1** and **17-2** may be implemented for the Project to mitigate its share of impacts to the interchanged. Potential Project-specific impacts related this Checklist Item will be ***Less Than Significant With Mitigation***.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the TIS, Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, Tulare County General Plan 2030 Update RDEIR, and the TCAG 2018 Regional Transportation Plan.

As noted earlier, the proposed Project will cause a significant impact by decreasing the LOS at the intersection of Avenue 280 and the SR 99 southbound ramps to LOS E during the a.m. peak hour. However, due to its location and traffic distribution (i.e., proximity to SR 99 and 70% of the trips would head either north (35%) or south (35%) on SR 99, plus 10% would head west toward Kings County), the Project would not have an immediate impact on high congestion areas of Tulare County. Further, with completion of the SR 99/Avenue 280 (Caldwell Avenue) interchange reconstruction project, and possible implementation of **Mitigation Measure 17-1** and **17-2**, a ***Less Than Significant Cumulative Impact With Mitigation*** related to this Checklist Item will occur.

Mitigation: ***See Mitigation Measure 17-1*** and ***17-2.***

Conclusion: ***Less Than Significant Impact With Mitigation***

[46] Note: Caltrans has not completed/released Draft EIR noted in this citation as of the release date of this DEIR.

[47] Op. Cit. 15.

[48] Tulare County Association of Governments "*2018 Regional Transportation Plan and Sustainable Communities Strategy*." Action Element Page B-48.

As noted earlier, potential Project-specific and cumulative impacts related to this Checklist Item are ***Less Than Significant Impact With Mitigation***.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

Project Impact Analysis: ***No Impact***

The nearest airport to the Project site is the Visalia Municipal Airport located approximately one mile northeast. The Project site is near (that is, just west), but outside, Airport Zone, Zone 6-Trafic Pattern Zone which represents the lowest level of hazard for areas within the Airports Safety Zones.[49] The proposed Project site contains an existing structure which will remain the tallest structure on the site. As such, all other proposed uses (e.g., materials piles, silos, storage tanks, etc.) will not exceed the height of the existing structure and would not pose a risk to the Traffic Pattern Zone. The proposed use is not dis-similar to other existing industrial land uses located within Safety Zone 6 of Visalia Municipal Airport and will not result in any increase in traffic levels or a change in location that result in substantial safety risks. Therefore, ***No Project-specific impact*** will occur as a result of the proposed Project.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, Tulare County 2030 General Plan EIR, and the Tulare County Comprehensive Airport Land Use Plan.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, the nearest airport is the Visalia Municipal Airport located approximately one mile northeast of the Project site. However, because there are no Project-specific impacts, there will also be ***No Project-specific or Cumulative Impacts*** related to this Checklist Item.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Project Impact Analysis: ***Less Than Significant Impact***

[49] Tulare County Comprehensive Airport Land Use Plan (2012) Pages 2-10 (summary of Safety Zone 6, Traffic Pattern Zone) and 5-6 (Figure VIS-2). Accessed June 2019 at: https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/tulare-county-comprehensive-airport-land-use-plan/.

The proposed Project will utilize an existing entry/exit point for ease of access/egress. On-site circulation patterns do not involve high speeds, sharp curves or dangerous intersections. It would not be practical for the Project's design features to include sharp curves because of the maneuverability limitations and acceleration/deceleration requirements of heavy-duty trucks that will be utilized by the Project. Also, the nearest intersection (an existing 4-way STOP at Avenue 280/Road 68) will be impacted by an estimated 10% of vehicle trips the Project is anticipated to generate.

Although there will be an increase in the volume of vehicles accessing/egressing the site, the Project's design features will not present a substantial increase in hazards. Therefore, a ***Less Than Significant Project-specific Impact*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan Background Report, and/or Tulare County 2030 General Plan EIR.

As noted earlier, no significant design changes that would result in a hazard are proposed. As such, ***Less Than Significant Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

e) Result in inadequate emergency access?

Project Impact Analysis: ***Less Than Significant Impact***

"In the event of a disaster, certain facilities are critical to serve as evacuation centers, provide vital services, and provide for emergency response. Existing critical facilities in Tulare County include hospitals, county dispatch facilities, electrical, gas, and telecommunication facilities, water storage and treatment systems, wastewater treatment systems, schools, and other government facilities. This plan also addresses evacuation routes, which include all freeways, highways, and arterials that are located outside of the 100-year flood plain."[50]

The proposed Project does not involve a change to any emergency response plan. One approximately 30-foot wide access/egress point to and from the Project area will be located along the westerly edge of the northern boundary. The width of the access/egress point is

[50] *Tulare County General Plan 2030 Update Background Report.* Page 8-45.

wide enough to accommodate two-way traffic, and therefore, any size emergency response vehicle. As such, emergency access to the site will be adequate. Therefore, the proposed Project will result in a ***Less Than Significant Impact*** related to this Checklist item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan Background Report, and/or Tulare County 2030 General Plan EIR. The site will have adequate access for emergency vehicles.

As previously noted, an approximately 30-foot wide access/egress point to and from the Project area will be located along the westerly edge of the northern boundary. The width of the access/egress point is wide enough to accommodate two-way traffic, and therefore, any size emergency response vehicle. As such, as such, emergency access to the site will be adequate. Therefore, ***No Cumulative Impact*** to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

No Cumulative Impacts related to this Checklist Item will occur.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Project Impact Analysis: ***Less Than Significant Impact***

Public transit, pedestrian, or bicycle amenities are unavailable within the vicinity of the Project site. The Project trips are proposing to utilize a rural roadway (Avenue 280) that is currently used by all motorized vehicles types but does not have significant volumes of bicyclists or pedestrians. Avenue 280 has an Average Daily Traffic (ADT) count of 8,820 between SR 99 and the Kings County Line.[51] Also, according to the 2018 RTP, Avenue 280 serves as a notable goods movement (i.e., farm-to-market) corridor for major agricultural commodities (predominantly dairy and nuts) to access SR 99.[52] The Project will not significantly impact pedestrian and bicycle facilities except as they relate to an incremental increase in roadway traffic volumes.

Due to the nature of the Project, its rural location, and very low population near or within vicinity of the Project site, the use of alternate transportation (such as public transit, walking, and biking) is not practical. Also, the Project's employment base (approximately 10-20 employees) would not generate the ridership (and accompanying fare box return) necessary

[51] Ibid. Table 8-9. Page. 8-58.

[52] 2018 RTP Figure 5-3 Farm to Market Routes. Page 5-6. Accessed at: http://www.tularecog.org/RTPSCS/GoodsMovementChapter.pdf.

to support extending transit services to the site. As such, the Project will not conflict with any established plans or routes, nor will it decrease the performance or safety of such facilities. Therefore, the proposed Project will result in ***Less Than Significant Impact*** related to this Checklist item.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Traffic Report, Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, Tulare County General Plan 2030 Update RDEIR, and the TCAG 2018 Regional Transportation Plan and Sustainable Communities Strategy.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

Potential Project-specific and cumulative impacts related to this Checklist Item are ***Less Than Significant***.

ACRONYMS

AWSC	All-Way Stop-Controlled
HCM	Highway Capacity Manual
LOS	Level of Service
TWSC	Two-Way Stop-Controlled

REFERENCES

Guide for the Preparation of Traffic Impact Studies, California Department of Transportation (Caltrans), December 2002

2010 Tulare County Regional Bicycle Transportation Plan, Tulare County Association of Governments (TCAG)

Tulare County Association of Governments 2018 Regional Transportation Plan and Sustainable Communities Strategy which can be accessed at: http://www.tularecog.org/wp-content/uploads/2015/06/Final-2014-Regional-Transportation-Plan-Sustainable-Communities-Strategy-FULL-DOCUMENT.pdf, Accessed November, 2017.

Tulare County Association of Governments "*2018 Regional Transportation Plan and Sustainable Communities Strategy*." Action Element Page B-48. Accessed at: http://www.tularecog.org/RTPSCS/ActionElement.pdf.

Tulare County Association of Governments "*2018 Regional Transportation Plan and Sustainable Communities Strategy*." Figure 5-3 Farm to Market Routes. Accessed at: http://www.tularecog.org/RTPSCS/GoodsMovementChapter.pdf

Tulare County Comprehensive Airport Land Use Plan (2012). Accessed June 2019 at: https://tularecounty.ca.gov/rma/index.cfm/rma-documents/planning-documents/tulare-county-comprehensive-airport-land-use-plan/

CEQA Guidelines

Tulare County General Plan 2030 Update, August 2012.

Tulare County General Plan 2030 Update, Background Report, February 2010. Accessed at: http://generalplan.co.tulare.ca.us/documents.html then locate "Background Report February 2010", select "February 2010 Background Report".

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR), February 2010. Accessed at: http://generalplan.co.tulare.ca.us/documents.html then locate "Recirculated Draft Environmental Impact Report February 2010 Draft", select "Recirculated DEIR".

"Traffic Impact Study, Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California" (TIS) report September 2018. Prepared by consultant Peters Engineering Group and included in Appendix "F" of this DEIR.

Tribal Cultural Resources
Chapter 3.18

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impact With Mitigation*** to Tribal Cultural Resources. Consultant ASM Affiliates, Inc. (ASM), prepared the *"Phase I Survey, 7763 Avenue 280, Visalia, Tulare County California"* (cultural report, included in Appendix "C" of this DEIR). ASM conducted a records search of site files and maps by the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield. A Sacred Lands File Request was also submitted to the Native American Heritage Commission (NAHC). Letters and follow-up phone calls were made to tribal organizations on the NAHC contact list, to determine whether tribal cultural resources were known in or near the Project. These investigations determined that the Project area had not been previously surveyed and that no sites or tribal cultural resources were known to exist within or near it. A Phase I survey fieldwork was conducted (in August 2018) within the approximately 20-acre study area. The cultural report and its supporting evidence is included in Appendix "C". This information, and additional analysis in the resource discussion item, are used as the basis for determining that this Project will result in a Less Than Significant Impact With Mitigation.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

Several CEQA statutes and guidelines address requirements for cultural resources, including historic and archaeological resources.[1] If a proposed Project may cause a substantial adverse effect on the significance of a historical resource, then the Project may be considered to have a significant effect on the environment, and the impacts must be evaluated under CEQA (Section 21084.1). The definition of "historical resources" is included in Section 15064.5 of CEQA Guidelines, and includes both historical and archaeological resources. "Substantial adverse change" is defined as "physical demolition, destruction, relocation, or alteration of the resource…"

Section 15064.5 also provides guidelines when there is a probable likelihood of Native American remains existing in the Project site. Provisions for the accidental discovery of historical or unique archaeological resources encountered during construction include a recommendation for evaluation by a qualified archaeologist, with follow up as necessary.

Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated

[1] *"CEQA Basics"* http://ohp.parks.ca.gov/?page_id=21721. Accessed May 2019.

on public lands, except with express permission of the public agency having jurisdiction over such lands."

This section of the Draft Program/Project Environmental Impact Report (DEIR) for the Project meets CEQA requirements by addressing potential impacts to tribal cultural resources on the proposed Project site. The "Environmental Setting" section provides a description of cultural resources in resources in the region, with special emphasis on the proposed Project site and vicinity. The "Regulatory Setting" section provides a description of applicable State and local regulatory policies. Results of cultural resources reports from CHRIS are included in Appendix "C" of this DEIR. A description of potential impacts is provided, along with feasible mitigation measures to reduce the impacts to less than significant.

CEQA Thresholds of Significance

"Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources a defined in Public Resources Code section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe."[2]

ENVIRONMENTAL SETTING

Records Search Results

The California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield conducted a cultural resources records search and provided results dated March 30, 2015 to Tulare County RMA. As indicated in the CHRIS results letter provided by SJVIC, "According to the information in our files, there have been no previous cultural resource studies conducted within the project area. There have been no known studies conducted within the Project area. There is one recorded cultural resources within the one-half mile radius of the Project area (TU-00534). There are no recorded cultural resources within project area and it is no known if any exist there. There is one recorded resource within the one-half mile radius, P-54-002179, the Evans ditch. There are no recorded cultural resources within the Project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the

[2] CEQA Guidelines Appendix "G" Item XVIII. Tribal Cultural Resources.

California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks."[3]

Native American Consultation

The Office of Planning and Research, State Clearinghouse (OPR/SCH), received a submittal from the Tulare County RMA on January 18, 2019, regarding a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for this Project. The Native American Heritage Commission (NAHC) was included in the list of agencies to be notified by OPR/SCH as the NAHC maintains a contact list of Native American Tribes as having traditional lands located within the County's jurisdiction. The NAHC provided a response to the NOP on January 25, 2019; thereafter RMA provided AB 52 consultation notices to five Native American Tribes as recommended by NAHC regarding the proposed Project and one other tribe who had previously requested consultation for all CEQA-related projects requiring consultation opportunities. Additionally, the Tulare County RMA submitted a Sacred Lands File Search (SLF) to the NACH and received a reply on December 26, 2018 indicating "negative results" of the SLF and provided a recommended list of five Native American Tribes the County should consult with regarding the Project. As such, on January 31, 2019, the County mailed (via certified-mail) tribal consultation letters to 11 tribal representatives recommended by the NAHC as a result of both the NOP and the SLF (see Appendix "C").

REGULATORY SETTING

Federal Agencies & Regulations

The National Historic Preservation Act

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation. The National Historic Preservation Act (NHPA), which established the ACHP in 1966, directs federal agencies to act as responsible stewards when their actions affect historic properties. The ACHP is given the legal responsibility to assist federal agencies in their efforts and to ensure they consider preservation during project planning. The ACHP serves as the federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting the nation's diverse heritage; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. A key ACHP function is overseeing the federal historic preservation review process established by Section 106 of the NHPA. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.[4] The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the

[3] California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield. Included in Appendix "C" of this DEIR.

[4] Advisory Council on Historic Preservation (ACHP) https://www.achp.gov/about

National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the State Historic Preservation Office (SHPO), responsible for implementing statewide historic preservation programs in each state. A key aspect of SHPO responsibilities include surveying, evaluating and nominating significant historic buildings, sites, structures, districts and objects to the National Register.[5]

State Agencies & Regulations

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.[6]

"The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development."[7] The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. "The California Historical Resources Information System (CHRIS) includes the statewide Historical Resources Inventory (HRI) database maintained by OHP and the records maintained and managed, under contract by twelve independent regional Information Centers. The ICs provide archeological and historical resources information, on a fee-for-service basis, to local governments and individuals with responsibilities under the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and California Environmental Quality Act (CEQA), as well as to the general public. ICs collect and maintain information on historical and archaeological resources which was not reviewed under a program administered by OHP."[8] Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Information Center (Center), located in Bakersfield, CA. "The purpose of the center is:

- to manage historical resources records, reports, and maps.
- to supply historical resources information to the private and public sector (see Access Policy page for restrictions).
- to provide educational support and information about historical resources in California to the general public."[9]

[5] Advisory Council on Historic Preservation, National Historic Preservation Program: Overview, http://www.achp.gov/overview.html. Accessed May 2018.

[6] California Office of Historic Preservation http://ohp.parks.ca.gov/?page_id=1066

[7] 30CFR PART 800 – Protection of Historic Properties (incorporating amendments effective August 5, 2004). Page 3 Accessed May 2019 at: https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf

[8] Office of Historic Preservation Mission and Responsibilities accessed May 2019 at: http://ohp.parks.ca.gov/?page_id=1066

[9] Southern San Joaquin Valley Information Center accessed May 2019 at: https://www.csub.edu/ssjvic/

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.[10]

Tribal Consultation Requirements: SB 18 (Burton, 2004) [11]

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. This bill amended Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.2 to, the Government Code, relating to traditional tribal cultural Places. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.

Tribal Consultation Requirements: AB 52 (Gatto, 2014)[12]

This bill was approved by Governor Brown on September 25, 2014 and became effective July 1, 2015. This bill amended Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans. The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. This bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated (can be a tribe anywhere within the State of California) with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of

[10] California Office of Historic Preservation, California Register: Criteria for Designation. Accessed May 2019 at: http://www.ohp.parks.ca.gov/?page_id=21238, accessed May 2019.

[11] Senate Bill No. 18, Chapter 905. Accessed May 2019 at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18

[12] Assembly Bill No. 52, Chapter 532. Accessed May 2019 at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52.

proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

As shown in the NAHC website, "In 1976, the California State Government passed AB 4239, establishing the Native American Heritage Commission (NAHC) as the primary government agency responsible for identifying and cataloging Native American cultural resources. Up until this point, there had been little government participation in the protection of California's cultural resources. As such, one of the NAHC's primary duties, as stated in AB 4239, was to prevent irreparable damage to designated sacred sites, as well as to prevent interference with the expression of Native American religion in California.

Furthermore, the bill authorized the Commission to act in order to prevent damage to and insure Native American access to sacred sites. Moreover, the Commission could request that the court issue an injunction for the site, unless it found evidence that public interest and necessity required otherwise.

In addition, the bill authorized the commission to prepare an inventory of Native American sacred sites located on public lands and required the commission to review current administrative and statutory protections accorded to such sites.

In 1982, legislation was passed authorizing the Commission to identify a Most Likely Descendant (MLD) when Native American human remains were discovered any place other than a dedicated cemetery. MLDs were granted the legal authority to make recommendations regarding the treatment and disposition of the discovered remains. These recommendations, although they cannot halt work on the project site, give MLDs a means by which to ensure that the Native American human remains are treated in the appropriate manner.

Today, the NAHC provides protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction. It also provides a legal means by which Native American descendants can make known their concerns regarding the need for sensitive treatment and disposition of Native American burials, skeletal remains, and items associated with Native American burials."[13]

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.

"(1) When a Project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section,

[13] Native American Heritage Commission. About the Native American Heritage Commission. Accessed May 2019 at: http://nahc.ca.gov/about/.

Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the Project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the Project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process."[14]

CEQA Guidelines: Human Remains

Public Resources Code Sections 5097.94 and 5097.98 provide guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the Native American Heritage Commission:

"(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the Project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any Items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act."[15]

"(e) 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:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

[14] CEQA Guidelines, Section 15064.5(c).
[15] Ibid. Section 15064.5(d).

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. 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

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(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.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."[16]

"(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."[17]

Local Policy & Regulations

Tulare County General Plan Policies

[16] Ibid. Section 15064.5(e).
[17] Ibid. Section 15064.5(f).

The Tulare County General Plan has a number of policies that apply to projects within the County of Tulare.[18] General Plan policies that relate to the proposed Project are listed below.

ERM-6.1 Evaluation of Cultural and Archaeological Resources - The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

ERM-6.2 Protection of Resources with Potential State or Federal Designations - The County shall protect cultural and archaeological sites with demonstrated potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of Statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values as determined by a qualified archaeological professional.

ERM-6.3 Alteration of Sites with Identified Cultural Resources - When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and Mitigation Measures proposed for any impacts the development may have on the resource.

ERM-6.4 Mitigation - If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.

ERM-6.9 Confidentiality of Archaeological Sites - The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.

ERM-6.10 Grading Cultural Resources Sites - The County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq.

IMPACT EVALUATION

Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

[18] Tulare County General Plan 2030 Update, Part 1 – Goals and Policies Report.

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; is associated with the lives of persons important in our past; embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; has yielded, or may be likely to yield, information important in prehistory or history.[19]

The proposed Project will result in no impact upon known sites listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As noted earlier, ASM Affiliates, Inc. (ASM), prepared the *"Phase I Survey, 7763 Avenue 280, Visalia, Tulare County California"* (cultural report, included in Appendix "C" of this DEIR). ASM conducted a records search of site files and maps by the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield. A Sacred Lands File Request was also submitted to the Native American Heritage Commission (NAHC). Letters and follow-up phone calls were made to tribal organizations on the NAHC contact list, to determine whether tribal cultural resources were known in or near the Project. These investigations determined that the Project area had not been previously surveyed and that no sites or tribal cultural resources were known to exist within or near it. A Phase I survey fieldwork was conducted (in August 2018) within the approximately 20-acre study area. The cultural report and its supporting evidence is included in Appendix "C". Although no historical, cultural, or tribal cultural resources were identified in the cultural study, it is possible that subsurface discoveries could occur. Also, as no responses were received from the tribes that were notified in compliance with AB 52 requirements, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area. However, **Mitigation Measures 18-1 and 18-2** are included in the unlikely event that Native American remains or tribal cultural resources are unearthed during any ground disturbance activities. These measure require that all work will immediately halt and the NAHC will be contacted to assess the findings and make appropriate mitigation recommendations. Therefore, there will be a ***Less Than Significant Cumulative Impacts With Mitigation*** related to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

As previously discussed, based on the analysis noted earlier, impacts to Tribal Cultural Resources will be reduced to a level of ***Less Than Significant Project-specific and***

[19] California Legislative Information. Public Resources Code – PRC 5024.1. Accessed May 2019 at: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1.

Cumulative Impacts With Mitigation with the implementation of **Mitigation Measures 18-1** and **18-2**.

Mitigation: ***See Mitigation Measures 18-1*** and ***18-2***

18-1 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.

18-2 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, 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:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
    a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and
    b. If the coroner determines the remains to be Native American:
        i. The coroner shall contact the Native American Heritage Commission within 24 hours.
        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.
        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
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

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.
b. The descendant fails to make a recommendation; or
c. The landowner or his authorized representative rejects the recommendation of the descendent.

Therefore, as noted earlier, in the unlikely event that Tribal Resource are discovered, implementation of **Mitigation Measures 18-1** and **18-2** would result in ***Less Than Significant Project-specific With Mitigation*** as a result of this Project.

Conclusion: ***Less Than Significant Impact With Mitigation***

As previously discussed, based on the analysis noted earlier, impacts to Tribal Cultural Resources will be reduced to a level of ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation*** with the implementation of **Mitigation Measures 18-1 and 18-2**.

a) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

See earlier discussion at Item a).

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

See earlier discussion at Item a).

Mitigation: ***See Mitigation Measures 3.18-1*** and ***3.18-2***

See earlier discussion at Item a).

Conclusion: ***Less Than Significant Impact With Mitigation***

See earlier discussion at Item a).

ACRONYMS

CEQA	California Environmental Quality Act
CHRIS	California Historic Resources Information System
CRHR	California Register of Historical Resources
HABS/HAER	Historic American Building Survey/Historic American Engineering Record
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act of 1966
OHP	California State Office of Historic Preservation
SHPO	State Historic Preservation Officers

REFERENCES

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Utilities and Service Systems
Chapter 3.19

SUMMARY OF FINDINGS

The proposed Project will result in ***Less Than Significant Impacts*** to Utilities and Service Systems. *"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant"* report prepared by consultant Mason GeoScience, is included in Appendix "E" of this document which is used as the basis for determining this Project will result in less than significant impact with mitigation. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Utilities and Service Systems. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), "[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."[1]

The "Environmental Setting" provides a description of the Utilities and Service Systems setting in the County. The "Regulatory Setting" provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or County 2030 General Plan EIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

Thresholds of Significance

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste

ENVIRONMENTAL SETTING

"Tulare County and special districts provide many important services to County residents and businesses in unincorporated communities and hamlets such as water, wastewater, storm drainage, solid waste removal, utilities, communications, fire protection, law enforcement, and a number of other community facilities and services (schools, community centers, etc.)."[2]

"Water districts supply water to communities and hamlets throughout the County. Most communities and some hamlets have wastewater treatment systems; however, several communities including Three Rivers, Plainview, Alpaugh, and Ducor rely on individual septic systems. Storm drainage facilities are generally constructed and maintained in conjunction with transportation improvements or new subdivisions in communities. Solid waste collection in the County is divided into service areas, as determined by the Board of Supervisors, with one license for each area. Southern California Edison provides electric service to the south and central areas of Tulare County while PG&E provides electric service in the north. The [Southern California] Gas Company is the primary provider of natural gas throughout the County."[3]

[1] CEQA Guidelines. Section 15126.2 (a).

[2] Tulare County General Plan 2030 Update. Public Facilities and Services. Page 14-3. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/Appendix%20C%20-%20General%20Plan%202030%20Update.pdf

[3] Ibid.

The existing site is currently served by Southern California Edison for electrical service and could connect to the Southern California Gas Company for natural gas service. The proposed Dunn Asphalt/Concrete Batch Plant site is currently served by two wells (a third well in non-operational): the existing operational agricultural well will be used to provide water for operational dust control and the existing residential well will be used to provide domestic water for the office building. The asphalt/concrete batch plant will also utilize a 30,000 gallon liquid propane gas tank as the fuel source to heat the oil that will be applied to the asphalt mix. Lastly, as the Project has its own water supply and on-site septic system, connection to either potable water or wastewater providers are not necessary or required.

REGULATORY SETTING

Federal Agencies & Regulations

Resource Conservation and Recovery Act (RCRA)[4]

Congress passed RCRA on October 21, 1976 to address the increasing problems the nation faced from our growing volume of municipal and industrial waste. RCRA, which amended the Solid Waste Disposal Act of 1965, set national goals for:

- Protecting human health and the environment from the potential hazards of waste disposal.
- Conserving energy and natural resources.
- Reducing the amount of waste generated.
- Ensuring that wastes are managed in an environmentally-sound manner.

To achieve these goals, RCRA established three distinct, yet interrelated, programs:

- The solid waste program, under RCRA Subtitle D, encourages states to develop comprehensive plans to manage nonhazardous industrial solid waste and municipal solid waste, sets criteria for municipal solid waste landfills and other solid waste disposal facilities, and prohibits the open dumping of solid waste.
- The hazardous waste program, under RCRA Subtitle C, establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal — in effect, from "cradle to grave."
- The underground storage tank (UST) program, under RCRA Subtitle I, regulates underground storage tanks containing hazardous substances and petroleum products.

RCRA banned all open dumping of waste, encouraged source reduction and recycling, and promoted the safe disposal of municipal waste. RCRA also mandated strict controls over the treatment, storage, and disposal of hazardous waste.

[4] U.S. Environmental Protection Agency. Resource Conservation and Recovery Act (RCRA) Overview. Accessed June 2019 at: https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview.

State Agencies & Regulations

California Global Warming Solutions Act of 2006 (AB 32)

With the passage of AB 32, the State Board Air Resources Board was required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. "California has a long track record of reducing greenhouse gas emissions by turning waste into resources, exemplified by the waste diversion rate from landfills of 54 percent (which exceeds the current 50 percent mandate) resulting from recovery of recyclable materials. Re-introducing recyclables with intrinsic energy value back into the manufacturing process reduces greenhouse gas emissions from multiple phases of product production including extraction of raw materials, preprocessing and manufacturing. Additionally, by recovering organic materials from the waste stream, and having a vibrant composting and organic materials industry, there is an opportunity to further reduce greenhouse gas emissions through the indirect benefits associated with the reduced need for water and fertilizer for California's Agricultural sector."[5]

Local Policy & Regulations

Tulare County General Plan Policies

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the proposed Project are listed below.

PFS-2.3 Well Testing - The County shall require new development that includes the use of water wells to be accompanied by evidence that the site can produce the required volume of water without impacting the ability of existing wells to meet their needs.

PFS-3.1 Private Sewage Disposal Standards - The County shall maintain adequate standards for private sewage disposal systems (e.g., septic tanks) to protect water quality and public health.

PFS-3.2 Adequate Capacity - The County shall require development proposals to ensure the intensity and timing of growth is consistent with the availability of adequate wastewater treatment and disposal capacity.

PFS-4.3 Development Requirements - The County shall encourage project designs that minimize drainage concentrations and impervious coverage, avoid floodplain areas, and where feasible, provide a natural watercourse appearance.

PFS-4.4 Stormwater Retention Facilities - The County shall require on-site detention/retention facilities and velocity reducers when necessary to maintain existing (pre-development) storm flows and velocities in natural drainage systems. The County shall encourage the multi-purpose design of these facilities to aid in active groundwater recharge.

[5] California Air Resources Board Climate Change Scoping Plan. December 2008. Page 62. Accessed June 2019 at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

PFS-4.5 Detention/Retention Basins Design - The County shall require that stormwater detention/retention basins be visually unobtrusive and provide a secondary use, such as recreation, when feasible.

PFS-4.7 NPDES Enforcement - The County shall continue to monitor and enforce provisions to control non-point source water pollution contained in the U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) program.

PFS-5.3 Solid Waste Reduction - The County shall promote the maximum feasible use of solid waste reduction, recycling, and composting of waste, strive to reduce commercial and industrial waste on an annual basis, and pursue financing mechanisms for solid waste reduction programs.

PFS-5.4 County Usage of Recycled Materials and Products - The County shall encourage all industries and government agencies in the County to use recycled materials and products where economically feasible.

PFS-5.8 Hazardous Waste Disposal Capabilities - The County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan.

IMPACT EVALUATION

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Project Impact Analysis: ***Less Than Significant Impact***

The Project site has an existing, on-site septic tank and leach field for disposal of wastewater generated by employees. As noted in the *"Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant Report"* (*Hydrology and Water Quality Report*) prepared by consultants Mason GeoScience (included in Appendix "E" of this document), "The Onsite Wastewater Treatment System (OWTS) is located on the west side of the office and is constructed with a dual chamber septic tank that is four feet wide by nine feet long by four feet deep and approximately 1,000 gallon volume. Effluent from the septic tank is leached into a four foot diameter by 30 foot deep concrete lined seepage pit. Available information for the septic system indicates it was repaired in January 1978. The septic system was utilized for onsite use. According to the site owner, the currently permitted OWTS is

functioning and is expected to be utilized for the proposed operations."[6] The asphalt/concrete batch plant itself with not result in wastewater requiring treatment at a wastewater facility, as such, it will not require new or expanded wastewater treatment.

On-site wells are available to meet the water demand for the Project. As indicated in the *Hydrology and Water Quality Report* (included in Appendix "E" of this document), "The project owner has indicated the project will require 5,000 to 6,000 gallons of water for daily operations; equal to 3.5 to 4.2 gallons of flow per minute from the newly constructed agricultural well located near the northeast corner of the site. Based on these estimates, total annual flow is estimated to be 5.60 to 6.72 acre-feet per year. Anticipated water use for the project will be from the office, dust control, landscaping, and the concrete and asphalt plants. As such, the Project does not require new or expanded water service. It is estimated that a one-acre rural residential property with one domestic well utilizes approximately 2.0 to 3.0 acre-feet per year depending on home size and irrigation use. The total estimated groundwater usage for the project of between 5.60 and 6.72 acre-feet is approximately twice that of the average rural residential property with a domestic well. Therefore, depletion of groundwater by the project will be less than significant. The estimated change in storage beneath the 19.98 acre site was calculated with change in groundwater elevation across various date range spanning the years 2003 through 2018 in the fall and spring seasons."[7] "The overall calculated changes in storage beneath the site ranged from 1.1 acre feet to 169.8 acre-feet. One date range, from spring 2015 to spring 2018 included a groundwater elevation change of 0.8 feet and yielded a change in storage between those years of 1.1 acre-feet. Most of the calculated changes in storage were a magnitude larger than the minimum and were greater than the estimated changes in storage for the site of 5.60 to 6.72 acre-feet. Therefore, based on historical changes in groundwater beneath the site, the planned 5,000 to 6,000 gallon per day of groundwater usage for the project, and reliability of the water source, the project is not expected to substantially deplete or lower the groundwater table around the site and is less than significant. We estimate approximately 19.0 acres of the site will be graded and covered with gravel and DG surfacing based on the provided site plan overlain on Figure 2. Run-off and run-on to the site is expected to be controlled with engineered grading. The project is anticipated to include a storm water basin engineered to handle surface water runoff and will also provide recharge. Therefore, the project will not substantially deplete recharge and impact is less than significant. We estimate approximately 19.0 acres of the site will be graded and covered with gravel and DG surfacing based on the provided site plan overlain on Figure 2. Run-off and run-on to the site is expected to be controlled with engineered grading. The project is anticipated to include a storm water basin engineered to handle surface water runoff and will also provide recharge. Therefore, the project will not substantially deplete recharge and impact is less than significant."[8]

Stormwater will be accommodated on-site as required by the County and the Regional Water Quality Control Board. As indicated in the *Hydrology and Water Quality Report* (included in

[6] *"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant"* report. Page 29. Prepared by consultants Mason GeoScience (included in Appendix "E" of this document),

[7] Ibid. 34 and 35.

[8] Op. Cit. 36.

Appendix "E" of this document), "It is anticipated that the project will require preparation and approval of waste discharge requirements by the Central Valley Regional Water Quality Control Board."[9]

Electricity will be provided by SCE and natural gas can be provided by The Gas Company as needed. As noted earlier, the Project will include a 30,000 gallon propane gas tank which will be used as the fuel source to heat the oil that will be mixed with the asphalt. The nature of the Project does not require the use of "land lines" for the provision of telecommunication, rather, "wireless" technologies are available for the Project as necessary.

As such, the Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, the Project would result in a ***Less Than Significant Impact*** related to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the requirements of the Central Valley Regional Water Quality Control Board. The proposed Project will generate a minimal amount of new wastewater to be processed on-site by a septic tank and leach field. As noted earlier, the Project has sufficient water supply for both operations and domestic water. No other resources of this Checklist Item would be impacted by the Project. Therefore, the Project would result in ***Less Than Significant Cumulative Impacts***.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impacts***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Project Impact Analysis ***Less Than Significant Impact***

As noted in Item a), above, on-site water wells are available to meet the water demand for the Project and the *Hydrology and Water Quality Report* (included in Appendix "E" of this document) concludes that sufficient water is available accommodate the Project. The Report used 15 years of data to calculate water storage beneath the site which averaged 28.5 acre

[9] Op. Cit. 34.

feet,[10] while it also estimated that the Project would usage between 5.60 to 6.72 acre-feet per year. Therefore, there is sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. As such, ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur. Also, see Item 3.10.b) which indicates that the site has sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the requirements of the Central Valley Regional Water Quality Control Board.

As noted in Section 3.9 Item b), the proposed Project will result in a ***Less than Significant Impact*** related to this Checklist Item.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Project Impact Analysis: ***No Impact***

As noted in Item a), earlier, the Project site has an existing, on-site septic tank and leach field for disposal of wastewater generated by employees. As noted in the *"Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant Report"* (*Hydrology and Water Quality Report*) prepared by consultants Mason GeoScience (included in Appendix "E" of this document), "The Onsite Wastewater Treatment System (OWTS) is located on the west side of the office and is constructed with a dual chamber septic tank that is four feet wide by nine feet long by four feet deep and approximately 1,000 gallon volume. Effluent from the septic tank is leached into a four foot diameter by 30 foot deep concrete lined seepage pit. Available information for the septic system indicates it was repaired in January 1978. The septic system was utilized for onsite use. According to the site owner, the currently permitted OWTS is functioning and is expected to be utilized for the proposed operations. The proposed Project site includes an existing septic system. This septic system is adequate to treat the wastewater needs of the proposed use."[11] The asphalt/concrete batch

[10] Op. Cit. 34 and 35.
[11] Op. Cit.

plant itself with not result in wastewater, as such, it will not require new or expanded wastewater treatment. Therefore, ***No Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the requirements of Tulare County Environmental Health Services Department.

No Cumulative Impacts related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Project Impact Analysis: ***No Impact***

The proposed Project does not include activities that will result in solid waste generation beyond typical office use waste. The Project will provide a benefit as it is consistent with County General Plan policies *PFS-5.3 Solid Waste Reduction* wherein the County shall promote the maximum feasible use of solid waste reduction, recycling, and composting of waste, strive to reduce commercial and industrial waste on an annual basis, and pursue financing mechanisms for solid waste reduction programs and *PFS-5.4 County Usage of Recycled Materials and Products* wherein the County shall encourage all industries and government agencies in the County to use recycled materials and products where economically feasible. As such, the proposed Project will have ***No Impact*** related to this Checklist Item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

As noted earlier, Project level solid waste generation will be limited to typical office waste which will not result in a substantial increase in the amount of waste sent to landfills. Also as noted earlier, the Project is consistent with Tulare County General Plan policies PFS-5.3 *Solid Waste Reduction* and PFS-5.4 *County Usage of Recycled Materials and Products*. Therefore, the proposed Project will result in ***No Impact*** to this resource.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Project Impact Analysis: ***No Impact***

As noted earlier, Project level solid waste generation will be limited to typical office waste which will not result in a substantial increase in the amount of waste sent to landfills. Also as noted earlier, the Project is consistent with Tulare County General Plan policies PFS-5.3 *Solid Waste Reduction* and PFS-5.4 *County Usage of Recycled Materials and Products.* Therefore, the Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste. As such, the proposed Project will result in ***No Impact*** to this resource.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the Federal, State, and Local requirements, including requirements of Cal Recycle, California Air Resources Board, and Tulare County Environmental Health and Human Services Agency (Environmental Health Division).

The proposed Project does not include the creation or expansion of a solid waste facility. Therefore, ***No Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

REFERENCES

California Air Resources Board Climate Change Scoping Plan. December 2008. Accessed June 2019 at: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

CEQA Guidelines, Section 15126.2 (a).

Tulare County General Plan 2030 Update, August 2012. Public Facilities and Services. Page 14-3. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/Appendix%20C%20-%20General%20Plan%202030%20Update.pdf.

"The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant" report. September 27, 2018. Prepared by consultants Mason GeoScience and included in Appendix "E" of this document.

U.S. Environmental Protection Agency. Resource Conservation and Recovery Act (RCRA). Overview. Accessed June 2019 at: https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview

Wildfire
Chapter 3.20

SUMMARY OF FINDINGS

The proposed Project will result in ***No Impact*** related to Wildfire. A detailed review of potential impacts is provided in the following analysis.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

As contained in the Proposed Updates to the CEQA Guidelines (finalized in November 2018), "Senate Bill 1241 (Kehoe, 2012) requires the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop "amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code." (Pub. Resources Code, § 21083.01 (emphasis added).)"[1]

At section 15126.2, the CEQA Guidelines state, "(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant effects of the proposed project on the environment. 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 or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified

[1] Governor's Office of Planning and Research. Proposed Updates to the CEQA Guidelines. Final. November 2017. Page 36. Accessed June 2018 at: http://opr.ca.gov/docs/20171127_Comprehensive_CEQA_Guidelines_Package_Nov_2017.pdf

in authoritative hazard maps, risk assessments or in land use plans, addressing such hazards areas."[2]

To provide an explanation on why it determined that analyzing potential impacts resulting from wildfire, the California Natural Resources Agency ("Natural Resources Agency" or "Agency) provided a document titled the *"Final Statement of Reasons For Regulation Action Amendments to the State CEQA Guidelines"* ("Final Statement of Reasons"). The amendments address legislative changes to the California Environmental Quality Act (CEQA), clarify certain portions of the existing CEQA Guidelines, and update the CEQA Guidelines to be consistent with recent court decisions. As noted in the Final Statement of Reasons, "The CEQA Guidelines are unique among administrative regulations. They provide a carefully organized, step-by-step guide to the environmental review process. As a result, rather than turning to the statute and case law, many agency staff and planners look to the CEQA Guidelines as a comprehensive source of information regarding CEQA's requirements."[3]

In the Final Statement of Reasons document, specifically at "12. CEQA Requires Analysis of the Potential Impacts Associated with Wildfire", the Agency writes, "Some comments suggested that the Agency should not include questions in Appendix G related to wildfire. In part, those comments suggested that the California Supreme Court's decision in CBIA v. BAAQMD (2015) 62 Cal.4th 369 precludes the analysis of such hazards on proposed projects. The Agency disagrees. In that decision, the Court held that "agencies subject to CEQA *generally* are not required to analyze the impact of existing environmental conditions on a project's future users or residents." (*Id*. at p. 377 (emphasis added).) The Court's opinion also included a significant caveat: "[w]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist an agency must analyze the potential impact of such hazards on future residents or users." (*Id*., at p. 377.)

In this context, an effect that a project "risks exacerbating" is similar to an "indirect" effect. Describing "indirect effects," the CEQA Guidelines state: "If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment." (CEQA Guidelines, § 15064, (d)(2).) Just as with indirect effects, a lead agency should confine its analysis of exacerbating effects to those that are reasonably foreseeable. (*Id*. at subdivision (d)(3).)

In the context of wildfire, it is clear that development may exacerbate wildfire risks. OPR's General Plan Guidelines, for example, includes an extensive discussion of the interaction between development and wildfire risk areas, including the "wildland-urban interface." While wildfire risk already exists in such areas, bringing development to those areas makes the risk worse, and not just for fire risk. Recent research explains:

[2] Governor's Office of Planning and Research Final Adopted Text for Revisions to the CEQA Guidelines. 2018 Page 30. Accessed June 2018 at: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

[3] California Natural Resources Agency Final Statement of Reasons For Regulation Action Amendments to the State CEQA Guideline OAL Notice File No. Z-2018-0116-12. November 2018. Page 2. Accessed June 2018 at: http://resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

> The close proximity of houses and wildland vegetation does more than increase fire risk. As houses are built in the WUI, native vegetation is lost and fragmented; landscaping introduces nonnative species and soils are disturbed, causing nonnatives to spread; pets kill large quantities of wildlife; and zoonotic disease, such as Lyme disease, are transmitted.

(Radeloff, et al., "Rapid growth of the US wildland-urban interface raises wildfire risk," PROC NATL ACAD SCI USA (March 27, 2018) 115 (13) 3314-3319 [citations omitted].) Not all development types are likely to create the same risks, however:

> The recognition that homes are vulnerable to wildfire in the wildland-urban interface (WUI) has been established for decades… Analysis of hundreds of homes that burned in southern California the last decade showed that housing arrangement and location strongly influence fire risk, particularly through housing density and spacing, location along the perimeter of development, slope, and fire history. Although high-density structure-to-structure loss can occur, structures in areas with low-to-intermediate housing density were most likely to burn, potentially due to intermingling with wildland vegetation or difficulty of firefighter access. Fire frequency also tends to be highest at low to intermediate housing density, at least in regions where humans are the primary cause of ignitions.

(Syphard AD, Bar Massada A, Butsic V, Keeley JE (2013) "Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss." PLoS ONE 8(8): e71708. https://doi.org/10.1371/journal.pone.0071708 [citations omitted].) In other words, low-density, leapfrog development may create higher fire risk than high-density, infill development.

> Notably, Senate Bill 1241 (Kehoe, 2012) specifically required the Agency to update Appendix G with questions related to wildfire risk. One could view wildfire as a specific legislatively-created exception to the general rule the Court described in the CBIA decision, though the Court did not specifically analyze its provisions. In any event, the Agency drafted the questions in the new wildfire section to focus on the effects of new projects in creating or exacerbating wildfire risks."[4]

Thereafter, the CEQA Checklist was updated to include questions related to fire hazard impacts for projects located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The Wildfire section addresses factors that could expose people or structures to fire or post-fire flooding or landslides, risk or impair emergency response, or require installation of infrastructure that could exacerbate fire risk.

<u>CEQA Thresholds of Significance</u>

[4] Ibid. 86 and 87.

- Impair an adopted emergency response plan or emergency evacuation plan.
- Exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

ENVIRONMENTAL SETTING

"A wildfire is an uncontrolled fire spreading through vegetative fuels. Wildfires can be caused by human activities (such as arson or campfires) or by natural events (such as lightning). Wildfires often occur in forests or other areas with ample vegetation. Wildfires differ from other fires due to their large size, the speed at which the fires can spread, and the ability of the fire to change direction unexpectedly and to jump gaps, such as roads, rivers, and fire breaks. In areas where structures and other human development meet or intermingle with wildland or vegetative fuels (referred to as the wildland urban interface or WUI), wildfires can cause significant property damage and present extreme threats to public health and safety. The following three factors contribute significantly to wildfire behavior and can be used to identify wildfire hazard areas.

Topography: As slope increases, the rate of wildfire spread increases. South-facing slopes are also subject to more solar radiation, making them drier and thereby intensifying wildfire behavior. However, ridgetops may mark the end of wildfire spread because fire spreads more slowly or may even be unable to spread downhill.

Fuel: The type and condition of vegetation plays a significant role in the occurrence and spread of wildfires. Certain types of plants are more susceptible to burning or will burn with greater intensity, and non-native plants may be more susceptible to burning than native species. Dense or overgrown vegetation increases the amount of fuel load. The ratio of living to dead plant matter is also important. The risk of fire increases significantly during periods of prolonged drought, as the moisture content of both living and dead plant matter decreases; or when a disease or infestation has caused widespread damage. The fuel's continuity, both horizontally and vertically, is also an important factor.

Weather: The most variable factor affecting the behavior of wildfires is weather. Temperature, humidity, wind, and lightning can affect chances for ignition and spread of fire. Extreme weather, such as high temperatures and low humidity, can lead to extreme wildfire activity. By contrast, cooling and higher humidity often signal reduced wildfire occurrence and easier containment. Years of precipitation followed by warmer years tend to encourage more widespread fires and longer burn periods. Also, since the mid-1980s, earlier snowmelt and associated warming due to global climate change has been associated with longer and more severe wildfire seasons in the western U.S.

Wildfires can have serious effects on the local environment, beyond the removal of vegetation. Soil exposed to intense heat may lose its capability to absorb moisture and support life. Exposed soils erode quickly and enhance siltation of rivers and streams, thereby enhancing flood potential, harming aquatic life, and degrading water quality. Lands stripped of vegetation are also subject to increased debris flow hazards, as described above. Wildfires can also greatly affect the air quality of the surrounding area.

History: Historical information between 1910 and 2014 indicates that 610 wildfires occurred in the County which burned approximately 1,328,000 acres during this 104-year time period. The following causes represent approximately 95% of the 610 recorded wildfires (approximately 1.3 million acres), and are included as follows: miscellaneous 36% (532,800 acres); lightning 27% (309,000 acres); unknown or unidentified 14% (97,000 acres); arson 8% (63,300 acres); equipment use 5% (43,500 acres); smoking 3% (53,400 acres); and campfires 2% (184,600 acres). The remaining causes which include escaped prescribed burns, debris, vehicles, structures, power-lines, railroads and playing with fire account for the remaining 5% (44,400 acres) of the recorded wildfires. Appendix C [of the Tulare County 2017 Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP)] lists documented fires over 1000 acres that have burned in the County since 1985.

Location: Public Resources Code 4201-4204 and Government Code 51175-89 directed CAL FIRE to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones are referred to as fire hazard severity zones and represented as very high, high and moderate. Specifically, the maps were created using data and models describing development patterns, potential fuels over a 30- to 50-year time horizon, expected fire behavior and expected burn probabilities. The maps are divided into local responsibility areas and State responsibility areas.

Local responsibility areas generally include incorporated cities, cultivated agriculture lands and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to the local government. The fire hazard severity zones for the area of local responsibility in the County are shown on Figure B-4 (Appendix B, Hazard Figures [in the MJLHMP). Fire severity zones are depicted for the Cities of Porterville and Woodlake in Figures B-13 and B-20 (Appendix B, Hazard Figures MJLHMP).

State responsibility area is a legal term defining the area where the State has financial responsibility for wildfire protection. Incorporated cities and Federal ownership are not included. The prevention and suppression of fires in all areas that are not State responsibility areas are primarily the responsibility of local or Federal agencies.

The portion of the County that transitions from the valley floor into the foothills and mountains is characterized by high to very high threat of wildfire; this includes the cities of Porterville and Woodlake, the jurisdiction of Tulare County Office of Education (TCOE), the Tule River Tribe Reservation and areas of the County unincorporated. Steeper terrain in these areas increases the

threat of wildfire. The western portion of the County has little or no threat of wildfire. The risk of wildfire increases where human access exists in high fire hazard severity zones, such as the Sierra Nevada Mountains and foothills, because of a greater chance for human carelessness and because of historic and current fire management practices.

Impact of Climate Change: Climate and weather have long been acknowledged as playing key roles in wildfire activity, and global warming is expected to exacerbate fire impacts on natural and urban ecosystems. Predicting future fire regimes requires an understanding of how temperature and precipitation interact to control fire activity.[7] Since 2012, record drought and record temperatures, have weakened trees throughout California, resulting in millions of acres of failing forestland that then become vulnerable to disease and infestation. Infestations, such as those caused by native bark beetles, have caused tree mortality of epidemic proportions. The scale of tree mortality in California contributes to significantly increased wildfire risks, and presents life safety risks due to falling trees that can injure or kill people. The immediate consequence of tree mortality on California forestlands increases the potential for wildfires, further spread of forest insect tree damage, threats to critical public safety infrastructure from falling trees, reduced forest carbon stocks, loss of commercial timber values to landowners, and diminished wildlife habitat. Due to these increased risks, the County proclaimed states of emergency for tree mortality.

In addition, and in response to the millions of dead trees, a State of Emergency Proclamation was issued by the Governor. A Tree Mortality Task Force, comprised of State and Federal agencies led by CAL FIRE, Cal OES and the Governor's office has identified six counties as high hazard zones due to dead and dying trees and the hazards, this tree mortality presents. The 10 counties include: Amadore, Calaveras, El Dorado, Fresno, Kern, Madera, Mariposa, Placer, Tulare, and Tuolumne. Both the State's and the County's Tree Mortality Task Forces are structured as a Multi-Agency Coordination Group and meet monthly to exchange information and updates among stakeholders. Participants are encouraged to discuss needs and concerns, and leverage each other's subject matter expertise and resources to further response efforts.

Extent: CAL FIRE has classified 22% of the County as high wildfire hazard areas and an additional 27% as very high wildfire hazard areas. These areas are primarily in the foothills and mountain regions in the eastern portion of the County and to a large extent on National Forest or National Park land. Figure B- [in the MJLHMP] depicts the fire severity rating for areas of the County.

Probability of Future Events: Based on historical events, on average, slightly more than on wildfire of over 1000 acres burns within the County each year. Therefore, it is highly likely that a wildfire event will occur within the calendar year impacting the County. Wildfire events have a greater than 1 in 1-year (100%) chance of occurring."[5]

The Project's location does not lend itself to wildfire risk as it is not within a fire hazard severity zone (as identified by CalFire), lacks slope/terrain conducive to wildfire spread, lacks vegetation

[5] Tulare County 2017 Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP). March 2018. Pages 69-73. Accessed June 2019 at: http://oes.tularecounty.ca.gov/oes/index.cfm/mitigation/tulare-county-mjlhmp/.

which would fuel wildfire (i.e., dense vegetation consisting of shrubs and bushes, dead or dying trees caused by drought or pest infestation (i.e., bark beetle), is surrounded by predominantly agriculturally productive lands, and, as noted earlier, is in the western portion of the County which has little or no threat of wildfire.

REGULATORY SETTING

Federal Agencies & Regulations

None that apply to this Project.

State Agencies & Regulations

Senate Bill 1241 (Kehoe, 2012)

"Wildfire: Senate Bill 1241 (Kehoe, 2012) required the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop "amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code." (Pub. Resources Code, § 21083.01 (emphasis added).) The Agency added several questions addressing this issue. Notably, while SB 1241 required the questions to address specific locations, it did not necessarily limit the analysis to those locations, and so the Agency posed the questions for projects located within "or near" those zones. Lead agencies will be best placed to determine precisely where such analysis is needed outside of the specified zones."[6]

"The safety elements of local general plans will also describe potential hazards, including: "any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards …, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires." (Gov. Code § 65302(g)(1).) Hazards associated with flooding, wildfire and climate change require special consideration. (Id. at subd. (g)(2)-(g)(4).) Lead agencies must "discuss any inconsistencies between the proposed project and applicable general plans" related to a project's potential environmental impacts in a project's environmental review. (State CEQA Guidelines § 15125(d).) Local governments may regulate land use to protect public health and welfare pursuant to their police power. (Cal. Const., art. XI, § 7; California Building Industry Assn. v. City of San Jose (2015) 61 Cal. 4th 435, 455 ("so long as a land use restriction or regulation bears a reasonable relationship to the public welfare, the restriction or regulation is constitutionally permissible").)"[7]

[6] Ibid. 70.
[7] Ibid. 38 and 39.

CAL FIRE - Tulare Unit Strategic Fire Plan[8]

As summarized in the 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP), "The Plan is a local road map to create and maintain defensible landscapes in order to protect vital assets. It seeks to reduce firefighting cost and property loss, increase public and firefighter safety, minimize wildfire risk to communities and contribute to ecosystem health. The Plan identifies pre-suppression projects including opportunities for reducing structural ignitability, and the identification of potential fuel reduction projects and techniques for minimizing those risks. The central goals that are critical to reducing and preventing the impacts of fire revolve around both suppression efforts and fire prevention efforts. The MJLHMP fire hazard analysis and fire related mitigation measures will be provided to Cal Fire to support the Tulare Unit Strategic Fire Plan."[9]

Cal Fire publishes Fire Hazard Severity Zone Maps for all regions in California, which can be viewed here.[10] The fire hazard measurement used as the basis for these maps includes the speed at which a wildfire moves, the amount of heat the fire produces, and most importantly, the burning fire brands that the fire sends ahead of the flaming front. Lead agencies and project proponents can review the Cal Fire maps to determine whether a given project site will be subject to the new CEQA wildfire impacts analysis.

Local Policy & Regulations

Tulare County Health and Safety Element

During the update of the Health and Safety Element (H&S Element), the County was compelled to comply with AB 162 (regarding flooding) and SB 5 (flood hazard mapping). Wildfire can directly impact contribute to potential flooding opportunities as vegetation that would otherwise provide soil stability could be removed to the extent that exposed soil is vulnerable to land- or mudslides. Such events could subsequently damage/destroy structures (such as buildings), roadways, telecommunications towers, utility lines, etc., or result in land- or mudslide debris (e.g., vegetation, soil, destroyed structures, etc.) entering watercourses such as streams, rivers, lakes, etc. which could damage/destroy habitat, water quality, bridges, shorelines, etc.

As such, the Health and Safety Element addresses AB 162 and SB 5 by including Policies (Section 10.5 Flood Hazards and 10.6 Wildland Fire Hazards) and Implementation Measures in section 10.10. It also contains the following narrative: "Assembly Bill 162 (AB 162), adopted in 2007, amended Government Code Section 65302(d)(3) and (g)(2)) to require cities and counties to identify information regarding flood hazards upon revision of the jurisdiction's housing element on or after January 1, 2009. The requirements of Government Code Section 65302 (d)(3) and (g)(2)(A) are addressed in this General Plan Update as follows: Figure 10-1 (Flood Hazards

[8] CAL FIRE. Tulare Unit Strategic Fire Plan. Last Update 26 February 2015. http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fpppdf1556.pdf. Accessed June 2019.
[9] 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan; Section 3. Page 15. Accessed June 2019 at: https://oes.tularecounty.ca.gov/oes/index.cfm/mitigation/tulare-county-mjlhmp/
[10] CAL FIRE California Fire Hazard Severity Zone Map Update Project. Accessed June 2019 at: https://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

and Faults [in the H&S Element]) displays information based on historic and current data regarding flood waters.

Figure 10-1 [in the H&S Element] shows:

1) The flood hazard zones (i.e. 100 and 500 Year Flood Zones) from the National Flood Insurance Rate maps published by Federal Emergency Management Agency (FEMA);
2) The dam failure inundation maps prepared pursuant to Section 8589.5 that are available from California Emergency Management Agency;
3) The California Department of Water Resources (DWR) Awareness Floodplain Mapping Program maps.

Figure 10-2 (Fire Threat [in the H&S Element]) shows:

1) Data on areas vulnerable to wildfire; and,
2) Urban development boundaries, hamlet development boundaries, and mountain service centers where existing and planned development will occur including structures, roads, utilities, and essential public facilities.

Used in conjunction, Figures 10-1 and 10-2 [in the H&S Element] show areas where FEMA flood zones and fire threats overlap to identify areas vulnerable to flooding after wildfires; The Figures also show where flood hazard zones are within these urban boundaries."[11]

Tulare County General Plan Policies

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

HS-6.1 New Building Fire Hazards - The County shall ensure that all building permits in urban areas, as well as areas with potential for wildland fires, are reviewed by the County Fire Chief.

HS-6.5 Fire Risk Recommendations - The County shall encourage the County Fire Chief to make recommendations to property owners regarding hazards associated with the use of materials, types of structures, location of structures and subdivisions, road widths, location of fire hydrants, water supply, and other important considerations regarding fire hazard that may be technically feasible but not included in present ordinances or policies.

HS-6.7 Water Supply System - The County shall require that water supply systems be adequate to serve the size and configuration of land developments, including satisfying fire flow requirements. Standards as set forth in the subdivision ordinance shall be maintained and improved as necessary.

[11] Tulare County Health and Safety Element Goals and Policies Report. Page 10-3. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/001BOS%20Agenda%20Items%20-%20Public%20Hearing%20August,%2028%202012/008Attachment%20G.%20Public%20Comment,%20%20Staff%20Matrix,%20and%20Responses/004Item%204.%20GPU%20AMUS/17-CHP%2010%20Health%20&%20Safety.pdf

HS-6.8 Private Water Supply - The County shall require separately developed dwellings with individual private water supply to provide an acceptable guaranteed minimum supply of water for fire safety, in addition to the amount required for domestic needs.

HS-7.1 Coordinate Emergency Response - Services with Government Agencies - The County shall coordinate emergency response with local, State, and Federal governmental agencies, community organizations, volunteer agencies, and other response partners during emergencies or disasters utilizing SEMS and NIMS.

HS-7.2 Mutual Aid Agreement - The County shall participate in established local, State, and Federal mutual aid systems. Where necessary and appropriate, the County shall enter into agreements to ensure the effective provision of emergency services, such as mass care, heavy rescue, hazardous materials, or other specialized function.

IMPACT EVALUATION

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Project Impact Analysis: ***No Impact***

As noted earlier, the Project is establishment of an asphalt and concrete batch plant, asphalt and concrete recycling, materials piles, and machinery/equipment necessary to process the products. The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; rather, it is located on the Valley floor in a predominantly rural, agricultural area on relatively flat land (i.e., 0-2% slopes). As such, it would result in ***No Impact*** to this resource item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR. With ***No Project-specific Impact***, ***No Cumulative Impact*** will also occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, implementation of the proposed Project will result in ***No Impact*** to this Checklist Item.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Project Impact Analysis: ***No Impact***

As noted earlier, the Project is establishment of an asphalt and concrete batch plant, asphalt and concrete recycling, materials piles, and machinery/equipment necessary to process the products. Due to the nature of the Project, it would not exacerbate wildfire risks not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. As noted in Item a), above, the Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; Rather, it is located on the Valley floor in a predominantly rural, agricultural area on relatively flat land (i.e., 0-2% slopes). As such, it would result in ***No Impact*** to this resource item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR. With ***No Project-specific Impact***, ***No Cumulative Impact*** will also occur.

Mitigation: ***None Required.***

Conclusion: ***No Impact***

As noted earlier, implementation of the proposed Project will result in ***No Impact*** to this Checklist Item.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Project Impact Analysis: ***No Impact***

As noted earlier, the Project is establishment of an asphalt and concrete batch plant, asphalt and concrete recycling, materials piles, and machinery/equipment necessary to process the products. Due to the nature of the Project, it would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. As noted in Checklist Item 19 a), the Project would provide its own infrastructure (e.g., electricity connection to SCE, internal water sources, propane gas, etc.). As such, it would result in ***No Impact*** to this resource item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR. With ***No Project-specific Impact***, ***No Cumulative Impact*** will also occur.

Mitigation: ***None Required***

Conclusion: ***No Impact***

As noted earlier, implementation of the proposed Project will result in ***No Impact*** to this Checklist Item.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Project Impact Analysis: ***No Impact***

As noted earlier, the Project is establishment of an asphalt and concrete batch plant, asphalt and concrete recycling, materials piles, and machinery/equipment necessary to process the products. Due to the nature of the Project, it would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The Project is located on the Valley floor in on relatively flat land (i.e., 0-2% slopes), as such it is not located in an area where landslides or post-fire slope instability would occur. As noted in Item 10 c), the site is not crossed by any rivers, streams, canals, or irrigation ditches. As such, it is not at risk of down stream flooding. Also, as noted in Item c), The surface topography of the site is relatively flat. Grading for the site is anticipated to include an engineered grading design approved and permitted by Tulare County. The final grading of the site should control the drainage pattern of the site to a stormwater retention pond. Therefore, the Project would result in ***No Impact*** to this resource item.

Cumulative Impact Analysis: ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR. With No Project-specific Impact, No Cumulative Impact will also occur.

Mitigation: ***None Required***

Conclusion: ***No Impact***

As noted earlier, implementation of the proposed Project will result in ***No Impact*** to this Checklist Item.

DEFINITIONS/ACRONYMS

Definitions

Abbreviations and Acronyms

California Natural Resources Agency	California Natural Resources Agency or Agency
CBIA v. BAAQMD	California Building Industry Association versus Bay Area Air Quality Management District
CAL FIRE	California Department of Forestry and Fire Protection
H&S Element	Health and Safety Element
MJLHMP	Multi-Jurisdictional Local Hazard Mitigation Plan
TCOE	Tulare County Office of Education
SB 1241	Senate Bill 1241 (Kehoe, 2012)
WUI	Wildland-Urban Interface

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Tulare County Health and Safety Element Goals and Policies Report. Page 10-3. Accessed June 2019 at: http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/001BOS%20Agenda%20Items%20-%20Public%20Hearing%20August,%2028%202012/008Attachment%20G.%20Public%20Comment,%20%20Staff%20Matrix,%20and%20Responses/004Item%204.%20GPU%20AMUS/17-CHP%2010%20Health%20&%20Safety.pdf.

Mandatory Findings of Significance Chapter 3.21

SUMMARY OF FINDINGS

None of the conditions stated below under Section 15065(a) (1)-(4) are present due to the impacts from the proposed Project. The impacts to the below resources are therefore ***Less Than Significant with Mitigation***.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

CEQA Guidelines "Mandatory Findings of Significance" (Section 15065(a)) lists the following potential impacts that need to be addressed by a lead agency:

> 15065(a): *"A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:*
>
> > *(1) The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.*
> >
> > *(2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.*
> >
> > *(3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*
> >
> > *(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."*

Under the California Environmental Quality Act (CEQA), an EIR must be prepared when certain specified impacts may result from construction or implementation/operation of a project. An EIR has been prepared for the proposed Project, which fully addresses all of the Mandatory Findings of Significance, as described below.

Under Section 15065(a) of the CEQA Guidelines, a finding of significance is required if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in Section 15382 of the CEQA Guidelines as "a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." This EIR, in its entirety, addresses and discloses potential environmental affects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts related to the following environmental factors:

Aesthetics	Land Use and Planning
Agriculture and Forestry Resources	Mineral Resources
Air Quality	Noise
Biological Resources	Population and Housing
Cultural Resources	Public Services
Energy	Recreation
Geology and Soils	Transportation
Greenhouse Gas Emissions	Tribal Cultural Resources
Hazards and Hazardous Materials	Utilities and Service Systems
Hydrology and Water Quality	Wildfires

As summarized in Project Requirements/Mitigation Measures Section, this EIR discusses potential environmental resource impacts, the level of significance prior to mitigation, project requirements that are otherwise required by law or are incorporated as part of the project description, feasible mitigation measures, and the level of significance after the incorporation of mitigation measures.

This section of the Draft Environmental Impact Report (DEIR) meets CEQA requirements by making Mandatory Findings of Significance relative to impacts of the proposed Project site located in the San Joaquin Valley portion of Tulare County. The "Environmental Setting" section summarizes environmental resources in the region with special emphasis on the proposed Project site and vicinity. The "Regulatory Setting" provides a description of applicable State and local regulatory policies. A description of the potential impacts of the proposed Project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

Long Term Impacts

As described in Section 15065(a)(2), a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. This document addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis.

Cumulative Impacts

Under Section 15065(a)(1) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to (1) substantially reduce the habitat of a fish or wildlife species; (2) cause a fish or wildlife population to drop below self-sustaining levels; or (3) substantially reduce the number or restrict the range of an endangered, rare, or threatened species. Section 4.3 (Biological Resources) of the EIR fully addresses impacts related to the reduction of the fish or wildlife habitat, the reduction of fish or wildlife populations, and the reduction or restriction of the range of special-status species.

Impacts to Species

Section 15065(a)(1) of the CEQA Guidelines states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to eliminate important examples of a major period of California history or prehistory. Section 15065(a)(1) amplifies Public Resources Code 21001(c) requiring that major periods of California history are preserved for future generations. It also reflects the provisions of Public Resource Code Section 21084.1 requiring a finding of significance for substantial adverse changes to historical resources. Section 3.4 Biological Resources of this EIR (which is supported by a Biological Evaluation included in Appendix "B" of this document) fully addresses impacts related to Biological resources.

Impacts to Historical Resources

Section 15064.5 of the CEQA Guidelines establishes standards for determining the significance of impacts to historical resources and archaeological sites that are an historical resource. Sections 3.5 Cultural Resources and 3.18 Tribal Cultural Resources of this EIR (which are supported by a Phase I Cultural Resources Survey included in Appendix "C" of this document) fully addresses impacts related to California history and prehistory, historic resources, archaeological resources, and paleontological resources.

Impacts on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings will be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities, which are addressed in this EIR. Sections 3.3 Air Quality (including Greenhouse Gases

(GHG)), 3.7 Geology and Soils, 3.10 Hydrology and Water Quality, and 3.17 Transportation (including traffic) of this EIR (which are supported by Air Quality/GHG, Geology/Soils, Hydrology/Water Quality, and Traffic technical reports included in Appendices "A", "D", "E", and "F"; respectively, of this document) fully addresses impacts related to these respective resources. The EIR contains analyses for the noise, population and housing, public services, and utilities resources which demonstrates that these respective resources will be not by impacted or will be impacted to a less than significant level.

Thresholds of Significance

The geographical area may be countywide, statewide, or nationwide, depending on the nature of the impact. Thresholds of Significance for impacts to biological resources are addressed in detail in Chapter 3.4 Biological Resources of this document. Thresholds of Significance for impacts to cultural resources, including impacts to historic and prehistoric resources, are addressed in Chapter 3.5 Cultural Resources and Chapter 3.18 Tribal Cultural Resources of this document.

ENVIRONMENTAL SETTING

"Tulare County… is located in a geographically diverse region with the majestic peaks of the Sierra Nevada framing its eastern region, while its western portion includes the San Joaquin valley floor, which is very fertile and extensively cultivated. Tulare County is the second-leading agricultural-producing county in the U.S. Fresno County is currently (2004) the top producer. In addition to its agricultural production, the county's economic base also includes agricultural packing and shipping operations."[1]

The approximately 20-acre proposed Project site is located in an agricultural area of the San Joaquin Valley (in an unincorporated area of Tulare County) located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 68. It is generally bound by Avenue 280 (immediately north), Road 68 (approximately 1.0 mile west), Avenue 272 (0.75 miles south), and State Route 99 (less than one mile east). The area surrounding the proposed Project site predominantly consists of agriculturally productive land, scattered rural residences, a private elementary school, active dairy facilities, the Visalia Municipal Airport (approximately 1.5 miles northeast), and the City of Visalia (approximately 2.5 miles east). The site is surrounded by dairies and dairy-related agricultural fields on its east, west, and south sides; and a walnut orchard to the north.

Native Vegetation

"Native plant and animal species once abundant in the region have become locally extirpated or have experienced large reductions in their populations due to conversion of upland, riparian, and aquatic habitats to agricultural and urban uses. Remaining native habitats are particularly valuable to native wildlife species including special status species that still persist in the

[1] Tulare County 2030 Update General Plan Background Report. Page 1-2.

region."[2] "The project site consists of a wheat field and a fenced area with crushed asphalt substrate containing a large metal-sided barn, an office building, and a raised water tank. The project site has experienced agriculture-related disturbance since at least 1969."[3] "Two land uses/biotic habitats have been identified on the project site, comprising agricultural field and ruderal. A list of the vascular plant species observed within the project site and the terrestrial vertebrates using, or potentially using, the site is provided in Appendices B and C, [of the Biological Evaluation], see Appendix "B" in this DEIR]] respectively."[4]

Existing Cultural and Historic Resources

"Tulare County's known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources."[5]

Due to the sensitivity of many prehistoric, ethnohistoric, and historic archaeological sites, locations of these resources are not available to the general public. The Information Center at California State University, Bakersfield houses records associated with reported cultural resources surveys, including the records pertinent to sensitive sites, such as burial grounds, important village sites, and other buried historical resources protected under state and federal laws. As noted earlier, a Phase I Cultural Resources Survey is included in Appendix "C" of this document.

REGULATORY SETTING

Federal Agencies & Regulations

See Chapters 3.4, 3.5, and 3.18 of this document for federal regulations related to biological, cultural, and tribal cultural resources; respectively.

State Agencies & Regulations

See Chapters 3.4, 3.5, and 3.18 of this document for state regulations related to biological, cultural, and tribal cultural resources; respectively.

Local Policy & Regulations

See Chapters 3.4, 3.5, and 3.18 of this document for local regulations related to biological, cultural, and tribal cultural resources; respectively.

[2] *"Biological Evaluation (BE) Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California."* Page 6. Prepared by Live Oak Associates (LOA), Inc. September 20, 2018. Included in Appendix "B" of the DEIR.
[3] Ibid. 7.
[4] Op. Cit.
[5] Tulare County 2030 Update General Plan Background Report. Page. 9-56.

IMPACT EVALUATION

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDINGS: IMPACTS TO BIOLOGICAL RESOURCES

Project Impact Analysis: ***Less Than Significant Impact with Mitigation***

A biological evaluation of the Project site was conducted by consultants Live Oak Associates and is included in this DEIR as Appendix "B". Results of the assessment are based upon database and literature searches, as well as a site visit. The biological evaluation determined that:

3.4 a) ***Less Than Significant Impact With Mitigation***

"Given the many square miles of agricultural land in the project vicinity that provides similar to higher quality avian nesting habitat, a loss of a small amount of potential nesting habitat for the loggerhead shrike and tricolored blackbird is considered less than significant under CEQA."[6] Based on this analysis, implementation of **Mitigation Measures 3.4-1** through **3.4-3** (shown as Mitigations 3.3-a, 3.3-b, and 3.3-c in the BE included in Appendix "B"). would reduce potential Project-specific impacts related to this Checklist Item to ***Less Than Significant With Mitigation***.

3.4 b) ***No Impact***

Based upon the lack of riparian habitat, ***No Impacts*** related to this Checklist Item will occur.

3.4 c) ***No Impact***

There is no wetland habitat for special study species located onsite. As such, ***No Impact*** related to this Checklist Item will occur.

3.4 d) ***Less Than Significant Impact***

[6] Biological Evaluation (BE) Visalia Concrete/Asphalt Batch Plant Project, Tulare County, California." Page 7. Prepared by Live Oak Associates (LOA), Inc. September 20, 2018. Included in Appendix "B" of the DEIR.

The Project site does not serve as a fish or wildlife movement corridor. The existing perimeter chain-link fence would restrict the movement of wildlife through the site. ***Less Than Significant Impacts*** related to this Checklist Item will occur.

3.4 e) ***No Impact***

The proposed Project will not conflict with any policies or ordinances protecting biological resources. ***No Impacts*** related to this Checklist Item will occur.

3.4 f) ***No Impact***

There are two habitat conservation plans that apply in Tulare County. The proposed Project does not conflict with these plans. ***No Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is the San Joaquin Valley, the State of California, and the Western United States. As noted in Chapter 3.4, cumulative impacts related to biological resources will be ***Less Than Significant*** with implementation of **Mitigation Measures 3.4-1** through **3.4-3.**

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact With Mitigation***

Potential Project-specific and cumulative impacts to biological resources will be ***Less Than Significant*** with implementation of **Mitigation Measures 3.4-1** through **3.4-3.**

FINDINGS: IMPACTS TO EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Chapter 3.5, Cultural Resources, and Chapter 3.18 Tribal Cultural Resources; respectively, discuss impacts to historic or prehistoric, and tribal cultural resources in detail. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest. According to the IC records (Confidential Appendix A) [of the Phase I report], no previous surveys have been completed within the project area and no tribal or archaeological resources are known to exist within it. One previous survey had been completed within 0.5-miles of the project area (IC# TU-534; Peak et al. 1975, Archaeological Assessment of Cultural Resources, Mid-Valley Canal Project, Fresno, Tulare, Merced and Kings Counties, California). Only a single cultural resource had been recorded within 0.5-miles of the project area: P-54-2179/CA-TUL-3053H, the Evans Ditch, located northeast of the project area.

A records search was also conducted at the Native American Heritage Commission (NAHC) Sacred Lands File (Confidential Appendix A) [of the Phase I report]. No sacred sites or tribal cultural resources were known in or in the vicinity of the APE. Outreach letters were then sent to the tribal contact list provided by the NAHC; follow-up phone calls were made one month later. No responses were received from any of the contacts"[7]

Mitigation measures have been included to address the potential of cultural resources being unearthed as a result of proposed Project-related ground excavation. **Mitigation Measures 18-1** and **18-2** are included in the unlikely event that archaeological or paleontological resources are unearthed during Project-related ground excavation; and Chapter 3.5 includes compliance with Section 7050.5 of the California Health and Safety Code (and CEQA Guidelines Section 15064.5) and CEQA Guidelines Section 15064.5 if human remains are discovered during project construction.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. The proposed Project will be mitigated to ***Less Than Significant Project-specific Impacts*** and ***Less Than Significant Cumulative Impacts With Mitigation***.

Mitigation: ***See Mitigation Measures 18-1*** and ***18-2 outlined in Chapter 3.18.***

Conclusion: ***Less Than Significant Impact With Mitigation***

Less Than Significant Project-specific and ***Cumulative Impacts With Mitigation*** to biological and cultural resources will occur.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Project Impact Analysis: ***See Chapters 3.1 through 3.20***

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

Cumulative Impact Analysis: ***See Chapter 4***

[7] Op. Cit. 17.

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

Mitigation: ***See Mitigation Measures contained in Chapter 8.***

Conclusion: ***See Chapters 3.1 through 3.20***

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Project Impact Analysis: ***Less Than Significant Impact***

The proposed Project would not result in any impacts to human beings beyond what has already been analyzed in Chapters 3.1 to 3.20.

There are no significant environmental adverse effects from this Project to human beings.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

There are no significant environmental adverse effects from this Project to human beings.

Mitigation: ***None Required.***

Conclusion: ***Less Than Significant Impact***

There will be ***Less Than Significant*** environmental effects which will cause substantial adverse effects to impacts to human beings either directly or indirectly.

REFERENCES

Chapters 3.1 through 3.20 of this DEIR.

Tulare County General Plan 2030 Update. August 2012.

Tulare County General Plan 2030 Update. Background Report. February 2010.

Tulare County General Plan 2030 Update. Recirculated Draft Environmental Impact Report (RDEIR). February 2010.

Summary of Cumulative Impacts
Chapter 4

CUMULATIVE IMPACTS ANALYSIS UNDER CEQA

Section 15355 Cumulative Impacts

"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."[1]

Section 15130 Discussion of Cumulative Impacts

"(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

(1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

(2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant.

(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the

[1] CEQA Guidelines Section 15355.

project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should 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 impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.

(2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

(3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available, and

(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents, including, but not limited to, general plans, specific plans, regional transportation plans, plans for the reduction of greenhouse gas emissions, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or area wide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

(e) If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section15183(j)."[2]

Tulare County is the geographic extent for most impact analysis. This geographic area is the appropriate extent because of the following reasons:

1. The proposed Project is in Tulare County and County of Tulare is the Lead Agency; and
2. Tulare County General Plan polices apply to the proposed Project.

The basis for other resource specific cumulative impact analysis includes:

- For Air Quality and Greenhouse Gas Emissions it is the San Joaquin Valley Air Basin;
- For Biological Resources it is the San Joaquin Valley;
- For Cultural Resources it is Tulare County; and
- For Hydrology it is the Tulare Lake Basin.

PAST, PRESENT, PROBABLE FUTURE PROJECTS

Tulare County Association of Governments (TCAG) Blueprint Scenario

Under the Tulare County Regional Blueprint Preferred Growth Scenario, TCAG suggested a 25% increase over the status quo scenario to overall density by 2050. The preferred growth scenario principles included directing growth towards incorporated cities and communities where urban development exists and where comprehensive services and infrastructure are/or will be provided. Another relevant preferred scenario is the creation of urban separators around cities.

[2] CEQA Guidelines, Section 15130.

The proposed Project location is outside incorporated areas and would be consistent with the goal of separating urban boundaries.[3]

Tulare County 2030 General Plan

The Cumulative Analysis outlined in the Tulare County General Plan Update 2030 Recirculated Draft EIR notes regional population growth (which in part was developed by TCAG) and a number major projects. Regional population projections are provided in the **Table 4-1**.[4]

Table 4-1
Regional Population Projections and Planning Efforts

Jurisdiction	General Plan Planning Timeframe	General Plan Buildout Population	Significant Environmental Impacts
City of Dinuba	2006-2026	33,750	Farmland conversion; conflicts with agricultural zoning and Williamson Act contracts; conversion of agricultural soils to non-agricultural use; regional air quality impacts; and climate change-greenhouse gases.
City of Woodlake			Unavailable.
City of Visalia	1991-2020	165,000	Air quality; biological resources; land use conflicts; noise; transportation/traffic; mass transit; agricultural resources; water supply; and visual resources.
City of Tulare	2007-2030	134,910	Farmland conversion; aesthetics; water supply; traffic; air quality; global climate change; noise; flooding from levee or dam failure; biological resources; and cultural resources.
City of Farmersville	2002-2025	12,160	Agricultural resources; agricultural land use conflicts; air quality; and traffic circulation.
City of Exeter			Information unavailable at time of analysis.
City of Lindsay	1990-2010	17,500	Air quality and farmland land conversion.
City of Porterville	2006-2030	107,300	Farmland conversion; air quality; noise; and biological resources.
City of Kingsburg	1992-2012	16,740	Farmland conversion and air quality.
City of Delano	2005-2020	62,850	Air quality; noise; farmland conversion; disruption of agricultural production; and conversion of agricultural soils to non-agricultural use.
County of Fresno	2000-2020	1,113,790	Farmland conversion; reduction in agricultural production; cancellation of Williamson Act Contracts; traffic; transit; bicycle facilities; wastewater treatment facilities; storm drainage facilities; flooding; police protection; fire protection; emergency response services; park and recreation facilities; library services; public services; unidentified cultural resources; water supply; groundwater; water quality; biological resources; mineral resources; air quality; hazardous materials; noise; and visual quality.

[3] Tulare County Associated of Governments Blueprint 2050, Preferred Scenario (2009).
[4] Tulare County General Plan 2030 Update Recirculated Draft EIR. Page 5-4 to 5-5.

Table 4-1
Regional Population Projections and Planning Efforts

Jurisdiction	General Plan Planning Timeframe	General Plan Buildout Population	Significant Environmental Impacts
County of Kern	2004-2020	1,142,000	Air quality; biological resources; noise; farmland conversion; and traffic.
County of Kings*	1993-2005	149,100 (low) 228,000 (high)	Biological resources; wildlife movement; and special status species.

** The adopted Kings County General Plan did not identify a projected population for 2005. The General Plan does include population projections for 2010, which is included in this table.*

SOURCE: City of Delano, 1999; City of Dinuba, 2008; City of Farmersville, 2003; City of Kingsburg, 1992; City of Lindsay, 1989; City of Porterville, 2007; City of Visalia, 2001, 1991; County of Fresno, 2000; County of Kern, 2004; County of Kings, 2009; DOF, 2007; TCAG, 2008.

In addition to the Regional Growth Projections used for the cumulative impact analysis, the Tulare County General Plan Update 2030 Recirculated Draft EIR noted the following Major Projects

- **Rancho Sierra:** Status – GPA approved. The project site consists of 114.6 acres. The site was a golf course facility located on both sides of Liberty Avenue (Avenue 264), east of Road 124, south of the city of Visalia. There are 30 existing homes within the golf course area but not a part of this application. The intended use is to subdivide the site into 175 single family residential lots.

- **Goshen**: Status – Approved. On June 5, 2018, the Tulare County Board of Supervisors (BOS) approved the Goshen Community Plan. The Goshen Community Plan Update was updated to implement the 2030 Tulare County General Plan (2012). The project Study Area Boundary assessed the potential project impacts from the proposed land use changes, for the areas generally north of Riggin Drive and south of Avenue 320, Road 60 to the east, Avenue 304 to the south (including areas between SR 99 and railroad tracks north of the northbound connector from SR 198), and to the City of Visalia's sphere of influence to the east. The project EIR is based on a projected annual population growth rate of 1.3%. Additional growth beyond the 1.3% annual growth rate will require further growth analysis pursuant to CEQA. The Goshen Community Plan Update is consistent with the General Plan 2030 Update, and includes the following primary goals and objectives: (1) Land use and environmental planning - Promote development within planning areas next to the Regional State Route 99 Corridor; (2) Improvements for a "disadvantaged community"; and 3) Strengthening the relationship between the RMA the Tulare County Association of Governments (TCAG) which will help to facilitate the funding and implementation of several key transportation programs such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects. By pursuing these transportation programs through a heightened collaborative process, the likelihood of

getting actual projects in the ground will be realized faster than historically achieved. In doing so, these communities and others can become safer and healthier by providing a more efficient transportation network. Some of the major components of the Community Plan Update are based on Caltrans reconstructing the over-crossing at Betty Drive and State Route 99 in the Community of Goshen. There are five additional projects that have been analyzed; three directly and two in relationship to the Project's impacts to these areas. The County is proposing more than 20 new land use and zoning designations, including a Mixed Use zone. Also in the process is an update to the Zoning Code to include a mixed use zoning district in compliance with the mixed use designation in the 2030 General Plan. The Goshen Community Plan is consistent with Tulare County General Plan 2030 Update.

- **Earlimart Community Plan**: Status – GPA approved. On January 28, 2018, the Tulare County Board of Supervisors (BOS) approved the Earlimart Community Plan Update (General Plan Amendment No. 14-005) to implement the Tulare County General Plan 2030 Update (2012). Among the entitlements that were updated are: (1) the General Plan Amendment, (2) changes to Zoning District Boundaries, and (3) changes to the Zoning Code Ordinance creating a New Mixed Use Zoning District only for the Earlimart Community Plan Update. Consistent with the General Plan and the Community Plan Update Study Area Boundary, the land uses and alternative land use patterns were considered based on expansion to the Urban Development Boundary (UDB) and their potential impacts to the environment. In addition, a Complete Streets Program was approved by the Board of Supervisors on December 15, 2015, for inclusion in the Circulation Element of this Community Plan Update. The Earlimart Complete Streets Program thoroughly analyzed the alternative forms of transportation, including transit, bicycle ways, and pedestrian circulation. The three (3) projects that were analyzed at the project level in this DEIR include: (1) the New High School Project, (2) the Northern Earlimart Rezone Project, and (3) the Existing UDB Project. The County adopted six (6) land use and zoning districts, including a Mixed Use zone. Also updated was the Zoning Code to include a mixed use zoning district in compliance with the mixed use designation in the 2030 General Plan. The Community Plan Update is intended to serve residents and business owners in the Project Area by providing necessary public improvements, encouraging rehabilitation and repair of deteriorating infrastructure and fostering economic development of the Project Area. The Earlimart Community Plan is consistent with Tulare County General Plan 2030 Update.

- **Traver Community Plan:** Status – GPA approved. On December 16, 2014 the Tulare County Board of Supervisors (BOS) approved an update to the Traver Community Plan. The Project site/amendment area covers approximately 268 acres in area and encompasses the existing Traver Community Urban Development Boundary (UDB). No change occurred to the UDB. The Traver Community Plan Update is consistent with the recent approval of the General Plan 2030 Update, and includes the following primary goals and objectives. i) a General Plan Amendment No. GPA 14-003 to Update the Traver Community Plan, including the Traver Complete Streets Report; ii) Adopted Section 18.9, the Zoning Ordinance, and established a Mixed-Use Combining Zone; iii)

Applied the Mixed-Use Overlay Zone to select properties located within the UDB of Traver and approved the rezoning plan for the Community of Traver (PZ 14-002); and iii) Amendment to Section 16 of the Zone Code to allow additional "by-right" uses only within the Traver Urban Development Boundary Area. The Traver Community Plan is consistent with Tulare County General Plan 2030 Update.

- **Ducor Community Plan:** Status – GPA approved. On November 3, 2015 the Tulare County Board of Supervisors (BOS) approved an update to the Ducor Community Plan. The project is a comprehensive update of the Ducor Community Plan for the unincorporated community of Ducor located in south-central Tulare County. The Ducor Urban Development Boundary (UDB) adopted in the 2004 Terra Bella/Ducor Community Plan, which established a Community boundary of 366 acres. The Project did not propose any changes to the existing Ducor UDB and, as such, the existing UDB and the proposed Project area remain at 366 acres. The objective in preparing the Plan Update was to develop a plan which can accurately reflect the needs and priorities of Ducor. The Plan Update includes assumptions regarding the amount and location of growth and development anticipated to occur in the community through the horizon Year 2030. The Ducor Community Plan is consistent with Tulare County General Plan 2030 Update.

- **Terra Bella Community Plan:** Status – GPA approved. On November 3, 2015 the Tulare County Board of Supervisors (BOS) approved an update to the Terra Bella Community Plan. Terra Bella is located in south-central Tulare County. The Terra Bella Urban Development Boundary (UDB) was adopted in the 2004 Terra Bella/Ducor Community Plan and contains 1,393 acres. The Terra Bella Community Plan Update (Plan Update or Project) did not propose any changes to the existing Terra Bella UDB and, as such, the existing UDB area remained at approximately 1,393 acres. The objective in preparing the Plan Update was to develop a plan which can accurately reflect the needs and priorities of Terra Bella. The Plan Update includes assumptions regarding the amount and location of growth and development anticipated to occur in the community through the horizon Year 2030. The Terra Bella Community Plan UDB has an adequate amount of land designated for development to accommodate growth through horizon Year 2030. The Terra Bella Community Plan is consistent with Tulare County General Plan 2030 Update.

- **Pixley Community Plan:** Status – GPA approved. On June 17, 2015 the Tulare County Board of Supervisors (BOS) approved an update to the Pixley Community Plan. Pixley is a rural unincorporated community located in the southwest portion of Tulare County between the communities of Tipton and Earlimart, adjacent to State Route 99. The Pixley Urban Development Boundary (UDB), which includes the North Pixley Specific Plan area, consists of approximately 1,992 acres. Overall, the BOS approved the Pixley Community Plan General Plan Update - GPA 14-002, Pixley Zone code Redistricting/Mixed Use Overlay - PZ 15-010, and Pixley By-Right Zoning - PZ 15-011, to allow consistency with the Tulare County General Plan 2030 Update. As such, the Pixley Community Plan is consistent with Tulare County General Plan 2030 Update and

includes the following primary goals and objectives. The objective in preparing the Plan Update was to develop a plan which can accurately reflect the needs and priorities of Terra Bella. The Plan Update includes assumptions regarding the amount and location of growth and development anticipated to occur in the community through the horizon Year 2030. The Terra Bella Community Plan UDB has an adequate amount of land designated for development to accommodate growth through horizon Year 2030.

- **Tipton Community Plan:** Status – GPA approved. On June 17, 2015 the Tulare County Board of Supervisors (BOS) approved the Tipton Community Plan. Tipton is located in the San Joaquin Valley portion of Tulare County, it is approximately eight miles south of Tulare. Tipton is located at the intersection of SR 99 (a major north and south transportation corridor) and State Route 190/Avenue 144 (west of SR 99 (an east and west transportation corridor). Overall, the objective of the Tipton Community Plan is to accurately reflect the needs and priorities of the unincorporated community of Tipton. As such, the Tipton Community Plan is consistent with Tulare County General Plan 2030 Update, and includes the following primary goals and objectives. 1) Land Use and Environmental Planning (to promote development within planning areas next to the Regional Highway 99 Corridor in order to implement applicable General Plan goals); 2) Improvements for a "disadvantaged community" (i.e., increase employment opportunities, increase competitiveness in receiving housing grant awards, and enhance opportunities to receive infrastructure grant awards); 3) Strengthening Relationship with TCAG – (which would help to facilitate the funding and implementation of key transportation programs, such as Complete Streets, and major state Transportation Improvement Program (STIP) projects); and 4) a Zone Ordinance Amendment adopting a Mixed-Use Overlay Zone; Amendment to Section 16 of the Zone Code to allow additional "by-right" uses only within the Tipton Urban Development Boundary Area; and adoption of a Complete Streets Policy for the unincorporated community of Tipton. Tipton's Urban Development Boundary contains approximately 1,008 acres.

- **Strathmore Community Plan:** Status – GPA approved. On June 17, 2015 the Tulare County Board of Supervisors (BOS) approved an update to the Strathmore Community Plan. The Strathmore Community Plan is consistent with the approved Tulare County General Plan 2030 Update, and includes the following primary goals and objectives. 1) Land Use and Environmental Planning (to promote development within planning areas next to the SR 65 99 Corridor in order to implement applicable General Plan goals); 2) Improvements for a "disadvantaged community" (i.e., increase employment opportunities, increase competitiveness in receiving housing grant awards, and enhance opportunities to receive infrastructure grant awards); 3) Strengthening Relationship with TCAG – (which would help to facilitate the funding and implementation of key transportation programs, such as Complete Streets, and major state Transportation Improvement Program (STIP) projects); and 4) a Zone Ordinance Amendment adopting a Mixed-Use Overlay Zone; Amendment to Section 16 of the Zone Code to allow additional "by-right" uses only within the Strathmore Urban Development Boundary Area; and adoption of a Complete Streets Policy for the unincorporated community of Strathmore.

- **Three Rivers Community Plan:** Status – GPA approved. On June 26, 2018, the Tulare County Board of Supervisors (BOS) approved the Three Rivers Community Plan. The Three Rivers Community Plan Update was updated to implement the 2030 Tulare County General Plan (2012). The unincorporated community of Three Rivers is located within an Urban Development Boundary (UDB) consisting of approximately 21,000 acres and is located approximately 30 miles northeast of Visalia. The nearest incorporated city is Woodlake, approximately 16 miles west on State Route 216. The Three Rivers Community Plan Update is consistent with the General Plan 2030 Update, and includes the following primary goals and objectives: (1) Land use and environmental planning; 2) Economic Development; 3) Three Rivers Community Plan Vision Statements (wherein the Community Plan will provide appropriate direction to help guide balanced public and private decisions affecting the community including provisions for the overall direction, density, type of growth, and protection of the natural environment that is consistent with the Tulare County General Plan, and the needs and desires of the Three Rivers Community to maintain its rural character); and 4) Strengthening Relationship with TCAG – (which would help to facilitate the funding and implementation of key transportation programs, such as Complete Streets, and major state Transportation Improvement Program (STIP) projects). The Board also approved an update to the Zoning Code (and Zone Map) to include a mixed use zoning district in compliance with the mixed use designation in the 2030 General Plan.

- **Poplar-Cotton Center:** Status – GPA approved. GPA approved. On December 4, 2018, the Tulare County Board of Supervisors (BOS) approved the Poplar/Cotton Center Community Plan update. The Project site is located approximately eight miles west of Porterville and eleven miles southwest of Lindsay. It is generally bound by Avenue 136 on the south, Avenue 152 on the north, Road 184 on the west, and Road 193 on the east; and encompasses approximately 1.3 square miles of land. The objective of the Poplar/Cotton Center Community Plan Update is to develop a community plan which can accurately reflect the needs and priorities of this unincorporated community. The Land Use and Circulation portions of this Plan will provide the mechanism to minimize or avoid the potential adverse impacts of urban growth. The development of an orderly, harmonious land use pattern and appropriate implementation measures are designed to reduce potential conflict between neighboring uses across Tulare County's 2030 planning horizon, consistent with the Tulare County 2030 General Plan Update. The Community Plan for General Plan Amendment No. GPA 17-010, which is inclusive of the Poplar/Cotton Center Community Plan, amendments to Section 18.9 (PZC 18-006), Section 16 (PZC 18-007), and the Zoning District Map (PZC 18-012), Section 16 (PZC 18-013), and the Zoning District Map (PZC 18-014) of Ordinance No. 352, the Zoning Ordinance, for the Community of Poplar/Cotton Center. The General Plan Amendment is required to i) update the existing Community Plan for Poplar/Cotton Center; ii) approve a Zoning Ordinance amendment to add Poplar/Cotton Center to the Mixed Use Overlay zoning district Section 18.9; iii) approve an amendment to Section 16 of the Zoning Code to allow additional by-right uses; and iv) approve the Zoning District Map, within the

Poplar/Cotton Center Urban Development Boundary, under CEQA Sections 1507 through 1573 of the CEQA Guidelines.

- **Ivanhoe Community Plan:** Status – GPA approved. On July 9, 2019, the Tulare County Board of Supervisors (BOS) approved the Ivanhoe Community Plan update. The Ivanhoe Community Plan Update is intended to implement the 2030 Tulare County General Plan (2012). Ivanhoe is bounded by Avenue 320 in the south, Avenue 336 in the north, Road 152 in the west, and Road 164 in the east and encompasses two square miles of land. SR 216 traverses the southeastern portion of the Community and provides access to SR 198 in Visalia (approximately ten miles southwest of Ivanhoe). SR 99 is located approximately 13 miles west of Ivanhoe. The objective of the Ivanhoe Community Plan Update is to develop a community plan which can accurately reflect the needs and priorities of the unincorporated community of Ivanhoe. The Plan is needed to increase the availability of infrastructure funding, such as drinking water system improvements (wells, water distribution piping, storage tanks, etc.), wastewater system improvements (such as treatment, piping, lift stations, etc.), and public works/safety improvements (such as curbs, gutters, sidewalks, etc.), and to stimulate economic development within the community. The Community Plan for General Plan Amendment No. GPA 17-006, which is inclusive of the Ivanhoe Community Plan, amendments to Section 18.9 (PZC 18-006), Section 16 (PZC 18-007), and the Zoning District Map (PZC 18-008) of Ordinance No. 352, the Zoning Ordinance for the Community of Ivanhoe, were required to achieve consistency with the Tulare County General Plan 2030 Update (August 2012). The General Plan Amendment is required to i) update the existing Community Plan for Ivanhoe; ii) approve a Zoning Ordinance amendment to add Ivanhoe to the Mixed Use Overlay zoning district Section 18.9; iii) approve an amendment to Section 16 of the Zoning Code to allow additional by-right uses; and iv) approve the Zoning District Map, within the Ivanhoe Urban Development Boundary, under CEQA Sections 1507 through 1573 of the CEQA Guidelines.

- **Plainview Community Plan:** Status – GPA approved. On July 9, 2019, the Tulare County Board of Supervisors (BOS) approved the Plainview Community Plan update. The Plainview Community Plan Update is intended to implement the 2030 Tulare County General Plan (2012). Plainview is located approximately four miles west of Strathmore and approximately six (6) miles southwest of Lindsay. The Plainview community boundary includes Avenue 196 on the north; Road 198 on the east; Avenue 194 on the south; it includes both sides of Road 196 on the north; Road 196 to the intersection of Avenue 192; and it includes areas near the Road 195 alignment to the west side of Plainview. The objective of the Plainview Community Plan is to develop a community plan which can accurately reflect the needs and priorities of the unincorporated community of Plainview. The Plan is needed to increase the availability of infrastructure funding, such as drinking water system improvements (wells, water distribution piping, storage tanks, etc.), wastewater system (such as piping, lift stations, etc.), and public work/safety improvements (such as curbs, gutters, sidewalks, etc.), and to stimulate economic development within the community. The Community Plan for General Plan Amendment No. GPA 17-009, which is inclusive of the Plainview Community Plan,

amendments to Section 18.9 (PZC 19-007), Section 16 (PZC 19-008), and the Zoning District Map (PZC 19-009) of Ordinance No. 352, the Zoning Ordinance for the Community of Plainview, were required to achieve consistency with the Tulare County General Plan 2030 Update (August 2012). The General Plan Amendment is required i) for the Community Plan for Plainview; ii) to approve a Zoning Ordinance amendment to add Plainview to the Mixed Use Overlay zoning district Section 18.9; iii) to approve an amendment to Section 16 of the Zoning Code to allow additional by-right uses; and iv) to approve the Zoning District Map, within the Plainview Urban Development Boundary, under CEQA Sections 1507 through 1573 of the CEQA Guidelines.

- **Woodville Community Plan:** Status – GPA approved. On July 9, 2019, the Tulare County Board of Supervisors (BOS) approved the Woodville Community Plan update. The Woodville Community Plan Update is intended to implement the 2030 Tulare County General Plan (2012). Woodville is located southeast of the Road 152/Avenue 168 intersection and is located approximately ten (10) miles southeast of the City of Tulare and eight (8) miles northeast of the State Route 99/Highway 190 interchange. The objective of the Woodville Community Plan is to develop a community plan which can accurately reflect the needs and priorities of the unincorporated community of Woodville. The Plan is needed to increase the availability of infrastructure funding, such as drinking water system improvements (wells, water distribution piping, storage tanks, etc.), wastewater system (such as piping, lift stations, etc.), and public works/safety improvements (such as curbs, gutters, sidewalks, etc.), and to stimulate economic development within the community. The Community Plan for General Plan Amendment No. GPA 17-013, which is inclusive of the Woodville Community Plan, amendments to Section 18.9 (PZC19-004), Section 16 (PZC 19-005), and the Zoning District Map (PZC 19-006) of Ordinance No. 352, the Zoning Ordinance for the Community of Woodville, is required to achieve consistency with the Tulare County General Plan 2030 Update (August 2012). The General Plan Amendment is required i) for the Community Plan for Woodville; ii) to approve a Zoning Ordinance amendment to add Woodville to the Mixed Use Overlay zoning district Section 18.9; iii) to approve an amendment to Section 16 of the Zoning Code to allow additional by-right uses; and iv) to approve the Zoning District Map, within the Woodville Urban Development Boundary, under CEQA Sections 1507 through 1573 of the CEQA Guidelines.

In addition to the Major Projects summarized above, the approved projects listed as follows may contribute to cumulative impacts:

- **Pena's:** Status – Approved. The project is for Peña's Material Recovery Facility (MRF) and Transfer Station (TS)' which currently sits on 18.01 acres that are being rezoned from AE 30 to M1 Light Industrial Zoning, and rezoning 6.7 acres and 11.3 acres from residential and industrial reserve zoning to industrial zoning. The land is currently operated by Peña's Disposal, Inc. and has a previously permitted peak processing capacity of 500 tons per day (TPD). This existing facility serves the unincorporated northern portions of Tulare County and the unincorporated southern portions of Fresno County, and the City of Orange Cove in Fresno County. Within the County of Tulare, the

facility serves the cities of Dinuba and Porterville, the communities of Cutler, Orosi, London, Sultana, Traver, Seville and other smaller communities in the area that may need to utilize the facility for the recycling of source-separated recyclables, commingled recyclables, commercial and industrial rubbish, green material and wood wastes, construction and demolition wastes, and inert debris to assist in reaching the diversion goals of the California Integrated Waste Management Act of 1989 (AB 939).

- **South County Correctional Detention Facility in Porterville:** Status – Approved. The project will require a rezoning of the project site, which is half in the County and half in the City of Porterville. The proposed project contains a build-out "footprint" for the proposed facility of approximately 15.0 acres with a new maximum security Type II facility as the primary structure. The project will consist of 250-cell double occupancy units (500 beds) and 14 special use beds for a total of 514 beds. In addition to the main detention facility, the project will also include support service components.

  As the site is currently under agricultural production, the project will require new utilities infrastructure (such as electrical, gas, phone, etc.). It will also require streets/roads improvements, potable water systems, wastewater systems, and storm water drainage infrastructure. These will be constructed or expanded to meet facility demands. Where feasible, the project will be extended to connect with existing potable water, wastewater, and storm water drainage infrastructure provided by City of Porterville. However, possible new construction of the above mentioned infrastructure may be necessary, and as such, will be evaluated.

- **Pixley Biogas:** Status – Approved. The project is for development of a biogas facility on 2.75 acre portion of an 8 acre parcel. The digester will extract methane gas, via an anaerobic manure digester. The facility will be used to produce 266 MMBTUS per day of biogas via an anaerobic digestion of manure feedstock from nearby dairies. The biogas produced will be used to fuel the Calgren bio-refinery facility, located adjacent and to the south of the project site, which will reduce the Calgren plant consumption of natural gas.

- **Harvest Power:** Status – Approved. The project is for a Composting Expansion and Anaerobic Digester. The project will allow a maximum total tonnage for the composting to increase from 156,000 tons per year to a potential 216,000 tons per year. An additional 60,000 tons will be allowed at the proposed anaerobic digester facility. The facility will produce transportation fuel through a compressed natural gas (CNG) refueling station.

- **Orosi Rock:** Status – Approved. The project includes concrete a recycling and surface mining operation on 35.13 acres where concrete from various construction projects around the region are delivered for recycling. The project includes transporting up to 800,000 tons of aggregate via 44,000 trips per year heavy-duty truck trips from the operation on an annual basis.

The amendment to the previous permit allows an increase of 1.9 million tons of rock and 2.1 million tons of imported recycled concrete. The total production of aggregate will be 10.8 million tons over the course of the existing 25 year period of the existing permit. Excavating will be limited to 400' Mean Sea Level (MSL) and the operation will continue blasting by a licensed blaster to break up larger rocks that cannot be moved or broken up by mechanical equipment.

- **Tulare Solar Center:** Status – Approved. The project includes the construction of an 80 MW solar photovoltaic facility on up to 800 acres of an approximately 1,144 acre property historically used as agricultural farmland in Tulare County, California. Proposed Project construction generally requires a focus in three major areas. The areas of focus include: (1) The solar field with associated equipment, including solar PV panels/modules, racking systems, inverters, intermediate voltage transformers, access roads, and underground, above-ground, or overhead electrical systems to collect and consolidate power from across the Project; (2) A substation(s) that receives the solar field's electrical production and increases the voltage to match the voltage of the adjacent utility grid via a generator step-up transformer(s), with Project owned gen-tie lines, and (3) Any other electrical interconnection components necessary for the Project's production to reach the utility grid, including disconnect equipment, communications lines (e.g., fiber optics) and a sub-transmission tap line.

- **Deer Creek Mine (PMR 14-002):** Status – Approved. This project amended a Surface Mining Permit and Reclamation Plan to allow expanded operations at this site. The Applicant currently operates a rock and gravel surface mining operation on 98 of this 118 acre site. The site is located south of Deer Creek Drive, approximately 1/3 mile east of Avenue 120 and Road 272, approximately 4 miles southeast of Porterville. The Project will result in no increase in the maximum depth of the mine, as expansion will occur laterally within the existing mining footprint. The approval includes an increase in production by 450,000 tons per year (from a maximum of 500,000 tons per year to a maximum of 950,000 tons per year). Increase truck hauling by 176 round trips per day (from a maximum of 200 round trips per day to a maximum of 376 round trips per day). The Project will not result in any change to the estimated total rock production of 15,000,000 tons of rock material during the estimated 50 years of operation nor would it result in any change to the approved reclamation plan.

- **CMI (formerly Papich):** Status – Approved. The Applicant received a Special Use Permit through Tulare County for the following: 1) Permanent establishment of the asphalt batch plant on the existing site; 2) Expansion of the existing operation from 3,700 tons/day to 8,000 tons/day of asphalt; and 3) To conduct retail/commercial sales of asphalt.

- **Derrel's Mini Storage:** Status – Approved. The Project includes a proposed General Plan Amendment (No. GPA 14-007) and proposed Change of Zone (No. PZ 14-001). GPA 14-007 received approval to amend the Tulare County Land Use Element of the General Plan by changing the land use designation on the 19.33-acre parcel from

"Agriculture" to "Commercial or Light Industrial". PZ 14-001 was approved to re-zone the AE-20 (Exclusive Agricultural-20 acre minimum) Zone to C-3 (Service Commercial) Zone on the same 19.33 acres. The zone change allows, as noted in the Tulare County Zoning Ordinance, Mini-Warehouses – "Storage or warehousing service within a building or buildings primarily for individuals to store personal effects"[5]

The site consists of the phased construction of 19.33 acre mini- storage facility. Phase 1 consists of 129,550 square feet; Phase 2 consists of 148,950 square feet, and Phase 3 consists of 96,600 square feet. RV storage will be used on the Phase 2 portion of the site, moving to Phase 3 as the earlier phases are constructed with the eventuality of the entire site constructed as mini storage units (if necessary) to meet market demands. It is possible that Phase 3 will remain as RV storage. The applicant approximates a ten year full build-out of the entire proposed Project site.

- **Hash Farms Residential Subdivision:** Status – Approved. The Project will be located at the northwest corner of Road 16 and Avenue 396, partially within the City of Kingsburg, Fresno County, and Tulare County. The Hash Farms Development Specific Plan is an approved plan for development of a 200-unit residential subdivision (160 single-family units and 40 multi-family units) on a total of 54 acres, including a 2.54 acre park and 1.15 acre fenced stormwater basin. The site is approximately one-half mile east of State Route 99 and approximately one-tenth of a mile south of State Route 201. The 54-acre site is located on Tulare County APNs 028-140-007, 012, 013, 018 and 022, and Fresno County APNs 396-020-008 and 014. The County of Tulare Board of Supervisors approved a tentative subdivision map and a Specific Plan for this project. The City of Kingsburg, County of Fresno, Fresno County Local Agency Formation Commission, and Selma-Kingsburg-Fowler County Sanitation District will also need to take each agencies' respective actions.

- **Antelope Valley (Redfield):** Status – Approved. The 43-unit single-family residential Antelope Valley Subdivision is located on a ±125-acre site (with average lot size of 2.14 acres) on the north side of Avenue 360 (west side of Road 220), approximately one mile north of the City of Woodlake in Tulare County. The site is approximately five miles west of State Route 198 and twenty-two miles east of State Route 99. The site is zoned PD-F-M (Planned Development-Foothill Combining-Special Mobile Home) Zone and is within the Woodlake 7.5 Minute USGS Quadrangle.

- **Sequoia Gateway Commerce Park:** Status – Approved. The Project consists of a Specific Plan/Corridor Plan for the development of a highway commercial/regional commercial center on ±126.9 acres at the southeast quadrant of State Route 99 and Avenue 280 (Caldwell Avenue) in an unincorporated area of Tulare County. The project will be developed in two major phases. Phase 1 consists of 22,950 sf of highway commercial uses such as fast-food outlets, retail, and gas station fueling pumps with associated convenience store, along with a 60,000 sf medical clinic building on

[5] Tulare County Zoning Ordinance. Page 13.

approximately 12.4 acres in the northwest corner of the project site. Phase 2, will consist of 986,000 sf of mixed-use commercial land uses including regional retail, hotel, office, restaurant, and fast-food uses on approximately 101.6 acres. Phase 2 will be developed in at least four incremental sub-phases, including additional highway commercial uses adjacent to Phase 1, hotel and restaurant uses, office uses, and regional retail uses. The remaining 12.9 acres will be used for a planned stormwater basin and wastewater treatment plant, along with roadway rights-of-way. Project development will occur in accordance with the detailed planning and design guidelines and standards set forth in the "Sequoia Gateway Commerce Park Specific Plan" (which is contained in Appendix A of the EIR). Phase 1 would commence development in the near-term upon approval of entitlements and permits for that initial phase of development. Phase 2 would commence development at such future time as traffic capacity permits, or after the planned reconstruction of the State Route 99/Caldwell Avenue Interchange, currently in the planning stages, is completed, and other pre-requisite criteria are met for moving forward with permitting and entitlements for that latter phase of development.

- **Derrel's Mini Storage:** Status – Approved. The re-designation of the land use and zone district for the ±15.0-acre parcel allows by-right construction of a mini-storage facility in two phases: Phase 1 – 148,500 sq. ft.; and Phase II – 175,200 sq. ft. At complete build-out, the total square footage of rentable storage space would be 323,700. The project also includes a 1,327 sq. ft. residence, a 391 sq. ft. garage, and an 804 sq. ft. office. The Board of Supervisors also approved General Plan Amendment No. GPA 17-031 and Zone Change No. PZC 18-015; (2) General Plan Amendment No. GPA 17-031 that changed the land use from "Mooney Corridor" to "Mixed Use" on one ±15.0 acre parcel; (3) Change of Zone No. PZC 18-015 that changed the zone district from AE-20 to C-2 on one ±15.0-acre parcel; (4) Categorical Exemption and General Plan Amendment No. GPA 17-036 that changed the land use designation from "Mooney Corridor" to "Mixed Use" on two 1.0-acre parcels; and (5) Categorical Exemption and Change of Zone No. PZC 17-043 that changed the zone district from AE-20 to C-2 on two 1.0-acre parcels, located on the east side of Mooney Blvd., approximately 660 feet south of Avenue 264, north of Tulare.

- **Deer Creek Mine (PMR 19-001):** Status – On-Going. The applicant currently operates a rock and gravel surface mining operation on 110 acres, as permitted by PMR 01-001, PMR 09-002, and PSP 01-055 (ZA), and PMR 14-002. Subsequently, the Applicant submitted an application (PMR 19-001) proposing an approximately 20-acre expansion to the footprint and increased operations of the existing and currently operational Deer Creek Mine facility. The permit amendments requested by PMR 19-001 will allow consistency between PMR 01-001, PMR 09-002, PSP 01-055(ZA), and PMR 14-002; result in an approximately 20-acre expansion through the use of a lot line adjustment toward the east and southeast on land currently used for grazing; increase annual production by 500,000 tons per year (from a maximum of 1,000,000 tons per year to a maximum of 1,500,000 tons per year); increase truck hauling by 224 round-trips per day (from a maximum of 376 round-trips per day to a maximum of 600 round-trips per day), with a maximum of 60,000 truck trips per year; result in an increase in the maximum depth of the mine to 300 MSL; and

result in a change to the estimated total rock production of 40,000,000 tons of rock to 75,000,000 tons of rock material during the estimated 50 years of operation.

SUMMARY OF CUMULATIVE IMPACTS

In this summary section, mitigated impacts and immitigable impacts will be discussed. Checklist Item criteria that would result in No Impact are discussed in Chapter 3 and are not reiterated here.

Unavoidable Impacts

There are no significant and unavoidable impacts. All potentially significant cumulative impacts have been reduced below a level of significance through mitigation.

Less than Significant Impacts with Mitigation

All impacts that can be effectively mitigated are listed in the **Table 4-2**.

Table 4-2
Checklist Items with Less Than Significant Impacts with Mitigation

Impact Section	Checklist Item No.	Checklist Criteria
Aesthetics	3.1 a)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Aesthetics	3.1 b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Aesthetics	3.1 c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
Agriculture and Forestry	3.2 a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Biology	3.4 a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game [Wildlife] or U.S. Fish and Wildlife Service?
Geology and Soils	3.7 f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Hazards and Hazardous Materials	3.9 a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Table 4-2 Checklist Items with Less Than Significant Impacts with Mitigation		
Impact Section	**Checklist Item No.**	**Checklist Criteria**
Hazards and Hazardous Materials	3.9 b)	Create 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?
Noise	3.12 a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Transportation	3.16 a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
Tribal Cultural Resources	3.17 a)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
Tribal Cultural Resources	3.17 b)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

See Chapter 9 Mitigation Monitoring and Reporting Program for a comprehensive list of Mitigation Measures to be implemented as part of the proposed Project.

Less Than Significant Impact

All impacts that are Less Than Significant are listed in **Table 4-3**.

Table 4-3 Checklist Items with Less Than Significant Impacts		
Impact Section	**Checklist Item No.**	**Checklist Criteria**
Aesthetics	3.1 d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Agricultural Lands & Forestry	3.2 a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural uses?
Air Quality	3.3 a)	Would the project conflict with or obstruct implementation of the applicable air quality plan?
Air Quality	3.3 b)	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Table 4-3
Checklist Items with Less Than Significant Impacts

Impact Section	Checklist Item No.	Checklist Criteria
Air Quality	3.3 c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?
Air Quality	3.3 d)	Expose sensitive receptors to substantial pollutant concentrations?
Air Quality	3.3 e)	Create objectionable odors affecting a substantial number of people?
Biological Resources	3.4 d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
Cultural Resources	3.5 c)	Disturb any human remains, including those interred outside of formal cemeteries?
Energy	3.6 a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
Energy	3.6 b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
Geology & Soils	3.7 a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction?
Geology & Soils	3.7 b)	Result in substantial soil erosion or the loss of topsoil?
Geology & Soils	3.7 c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
Greenhouse Gas Emissions	3.8 a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
Greenhouse Gases	3.8 b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
Hazards & Hazardous Materials	3.9 c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
Hydrology & Water Quality	3.10 a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality??

Table 4-3
Checklist Items with Less Than Significant Impacts

Impact Section	Checklist Item No.	Checklist Criteria
Hydrology & Water Quality	3.10 b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
Hydrology & Water Quality	3.9 c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would: i) Result in a substantial erosion or siltation on- or off-site? ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
Hydrology & Water Quality	3.9 e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
Land Use & Planning	3.10 b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
Noise	3.12 b)	Generation of excessive groundborne vibration or groundborne noise levels?
Public Services	3.14 a) Fire protection	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services**?**
Transportation & Traffic	3.16 b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
Transportation	3.16 d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
Transportation	3.16 e)	Result in inadequate emergency access?
Transportation	3.16 f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
Utilities	3.18 a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Table 4-3 Checklist Items with Less Than Significant Impacts		
Impact Section	**Checklist Item No.**	**Checklist Criteria**
Utilities	3.18 b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

REFERENCES

Chapters 3.1 through 3.20 of this DEIR.

CEQA Guidelines, Sections 15130 (e) and 15355

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR), February 2010

Tulare County Associated of Governments Blueprint 2050, Preferred Scenario (2009)

Alternatives
Chapter 5

INTRODUCTION

This Chapter will conclude that the proposed Project is the preferred Alternative. Alternative No. 3 Reduced (50%) Project is the Environmentally Superior Alternative; however, it does not meet the economic/financial feasibility objectives of the proposed Project.

CEQA Guidelines Section 15126.6 requires that a reasonable range of alternatives to the Preferred/Proposed Project be discussed in the EIR. Specific requirements include the following:

CEQA Guidelines §15126.6(a): Alternatives to the Proposed Project. 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.

CEQA Guidelines §15126.6 (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

CEQA Guidelines §15126.6 (c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

CEQA Guidelines §15126.6(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause

one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

CEQA Guidelines §15126.6 (e) "No project" alternative.

(1) The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

(2) The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(3) A discussion of the "no project" alternative will usually proceed along one of two lines:

(A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

(B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

(C) After defining the no project alternative using one of these approaches, the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

CEQA Guidelines §15126.6(f): Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

(2) Alternative locations.

(A) Key question. The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

(B) None feasible. If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location.

(C) Limited new analysis required. Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the lead agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative.

(3) An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

"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 CEQA Guidelines 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."[1]

FACTORS CONSIDERED IN ANALYSIS OF ALTERNATIVES

In this Alternatives analysis the following evaluation criteria will be used:

Evaluation Criteria 1: Project Specific Elements

Pages 2-3 thru 2-4 contain details of the Project Specific Elements which are summarized as follows:

- Establishment of a permanent hot-mix asphalt and concrete batch plant operation and the use recycled asphalt and concrete.
- Production from 100,000 cubic yards of concrete per year, 30,000 tons of recycled asphalt and concrete as base material will be produced, and 150,000 tons of hot-mix asphalt (HMA) per year.
- Off-street parking (on a paved parking area) of 20 heavy-duty trucks and 14 stalls for employee vehicle parking.
- Estimated 73,2074 vehicle round-trips annually (of which 61,664 would be 4-axle (20,000) to 5-axle (41,664) heavy-duty trucks).
- Use of an existing structure as an office and scale house building.

[1] CEQA Guidelines, Section 15021

Evaluation Criteria 2: Project Objectives

Pages 2-3 thru 2-4 (of Chapter 2 Project Description) contain details of the Project which are summarized as follows:

- Development of a facility that promotes industrial development in appropriate locations.
- An allowed use (that is, with a special use permit) in the location where it is proposed.
- Ability to provide adequate screening of the site.
- Development of a facility that is near major highways and away from sensitive land uses.
- Continue use of recycled materials.
- Conduct an efficient business operation that is economically, technologically and environmentally feasible.

Evaluation Criteria 3: Minimize Costs

Although there may be a diversity of theoretical alternatives, there are only a few alternatives that could potentially be implemented due to costs involved in the alternative. Considerable increases in costs can result in infeasibility of a project alternative. The Project site area is suitable for the proposed Project (e.g., it is predominantly rural, level, and vacant, etc.) and the applicant has control of the proposed site location. Operational costs (for example, distance traveled to the road network such as SR 99 would also be minimized due to proximity of SR 99 and other major roadways (i.e., Avenue 280) which can be used as north/south and east/west routes; respectively, to reach market areas. Services on another site would significantly increase costs as grading, plumbing, electrical, and other typical construction/operational costs would be required by developing the project on a different site.

Evaluation Criteria 4: Operational Efficiency

Operational efficiency is a major concern in the long-term viability of the business. Operational efficiency affects both operational costs and operational effectiveness through the maximization of equipment use.

Evaluation Criteria 5: Reduce Significant Impacts

Each alternative should be analyzed to assess the potential to reduce significant impacts. (On a cumulative basis, alternative sites generally require the construction of duplicate buildings. The creation of additional buildings requires the use of additional resources, which on a cumulative basis would increase impacts to environment in general.

Evaluation Criteria 6: Physical Feasibility (Land Size and Configuration Constraints)

Physical feasibility is required because if site for a particular alternative is too small or if the components of the proposed Project cannot be configured on the site, then the alternative would not be feasible and should be eliminated from review.

ALTERNATIVES ANALYSIS

In accordance with CEQA Guidelines Section 15126.6, the following alternatives were selected to be evaluated against the proposed Project:

Alternative 1 – No Build/No Project
Alternative 2 –Alternative Site
Alternative 3 – Reduced (50%) Project

Alternative 1: No Build/No Project (No Project)

Description: Under this alternative, the asphalt and concrete batch plants would not be developed, the recycling of asphalt and concrete would not occur, and the project site would remain in its present condition (unproductive agriculture land). However, demand for asphalt/concrete would continue throughout the region. Environmental impacts could likely occur as a result of an alternate location and/or an increase in capacity from another asphalt/concrete provider in order to meet demand. All environmental impacts under the No-Project Alternative would be less than the proposed Project. The No-Project Alternative by definition would not meet the objectives of the proposed Project that were discussed earlier in this chapter.

The No-Project Alternative would result in the following:

- Lack of issuance of a Special Use Permit in a properly zoned location;
- Failure to establish a operation capable of providing asphalt and concrete;
- Failure to implement local and state landfill diversion goals by eliminating a demonstrated efficient and effective recycling alternative;
- Would not meet any project objective or project-specific elements; and
- Would not meet any business objectives desired by the applicant.

Environmental Considerations: Demand for asphalt and concrete would continue in order to accommodate demand by the anticipated/projected growth rate and economic development in the region. Environmental impacts could occur as a result of an alternate location and/or an increase in capacity from another asphalt provider in order to meet demand. However, for this analysis, it is determined that the No-Project Alternative would eventually mean that the asphalt/concrete plant would not exist on the site and agricultural-related operations could resume. All environmental impacts under the No-Project Alternative would be less than the Proposed Project. The No-Project Alternative by definition would not meet the objectives of the proposed Project that were discussed earlier in this chapter.

Alternative 2: Alternate Site

Description: The environmental considerations associated with an alternate site would be highly dependent on several variables, including physical site conditions, surrounding land use, site access, and suitability of the local roadway network. Physical site conditions include land, air, water, minerals, flora, fauna, noise, or objectives of historic or aesthetic significance, and would

affect the nature and degree of direct impacts, needed environmental control systems, mitigation, and permitting requirements. Surrounding land use and the presence of sensitive receptors would influence land use compatibility issues such as air pollutant emissions and health risk, odor, noise, and traffic. Site access and ability of the local roadway network to accommodate increased truck traffic without excessive and costly off site mitigation would be an important project feasibility issue.

The constraint on alternate site selection is the reduction or elimination of significant project impacts. The economic viability of the proposed project is dependent on the ability to efficiently transport asphalt and concrete in and around Tulare County and surrounding areas. To maintain ease of handling and transportation efficiencies that have been incorporated into the proposed site location, any potentially feasible alternate site needs to be located near major roadways/highways and in a location that is easily accessible to all parts of Tulare County and beyond, in addition to other criteria outlined herein.

Environmental Considerations: Development of an alternate site could theoretically meet most of the Project objectives presented earlier in this chapter. However, construction and operation of an alternate site would not be as cost effective or operationally efficient and thus is not consistent with the Project objectives. In addition, construction and operation at an alternate site would likely result in environmental impacts that are equal to or greater than the proposed project. The majority of project impacts identified in the proposed Project are likely to occur at an alternate site.

The Applicant does not have control of an alternate site; if control were viable, the applicant would have to re-initiate the application process as a new project. Similar to the proposed Project site, an alternate site would require environmental review once the Applicant has prepared sufficient project description information. At present, the Applicant does not have control of an alternate site. The time requirements for these activities would reduce the ability of the Applicant to accommodate projected asphalt/concrete demand in a timely manner compared to the proposed Project. This alternative would be the most complex, costly, and time-consuming alternative to implement. Various engineering and technical studies would then be completed to define the project and its required control systems. Environmental review and obtaining local and state entitlements would follow prior to construction activities.

An alternate site was not chosen for evaluation for reasons identified in CEQA Guidelines §15126.6(f): Rule of reason. In addition, an alternate site would likely result in similar or greater environmental impacts in every environmental impact criteria listed in the CEQA Guidelines Appendix G checklist. Therefore, an alternate site was not evaluated.

Alternative 3: Reduced (50%) Project

Description: Under Alternative 3, the proposed Project would be permitted for only 50% of the proposed capacity. Alternative 3 would reduce the size of the proposed Project by reducing the permitted tonnage from a proposed 150,000 TPY to 75,000 TPY of asphalt; 100,000 TPY to 50,000 TPY of concrete; and 30,000 TPY to 15,000 TPY of recycled concrete and asphalt. A 50 percent reduction in tonnage is a reasonable amount to illustrate what impact such an alternative

would have on the significant effects of the proposed Project. Operations would essentially be the same as the proposed Project except that throughput (that is, import and exported material/product) would be substantially reduced.

Environmental Considerations: Most of the environmental issues associated with Alternative 3 would be similar to those of the proposed Project. Alternative 3, however; does involve reduced tonnages. Issues sensitive to changes in tonnages can directly impact air quality, traffic, and economic considerations which are discussed as follows:

Air Quality: According to the Air Quality ~~Impact Analysis~~ and Greenhouse Gas ~~Study~~Technical Memorandum (See Appendix ~~C~~ "A" of this document) prepared for the project, the proposed Project at will have annual air pollutant emission rates which are less than the applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds of significance, resulting in a less than significant impact. Even though the proposed project is below existing thresholds of significance, a reduced project would result in a further reduction of air and greenhouse gas emissions. Alternative 3 would have lower annual emission rates than the proposed project~~ as follows: CO would be reduced by approximately 31%, NOx by 32%, VOC by 36%, Sox by 37%, PM10 by 42% and PM2.5 by 41%. Therefore, air pollutant emission rates associated with this Alternative are lower than the proposed Project~~.

Traffic: Peters Engineering Group prepared a Traffic Impact Study for the proposed project (See Appendix "F" of this document). According to the TIS, Trip Generation associated with the project would average 276 round trips per day (of which 246 would be heavy-duty trucks with four axles (80 or 32.5%) and five axles (166 or 67.5%)). The TIS concluded that there are no significant and unavoidable traffic impacts associated with the proposed Project, however, Alternative 3 would result in approximately 50% less (that is, 138) total vehicle trips per day. Thus, Alternative 3 would reduce the traffic impact.

Economic Considerations: Although a financial forecast was not prepared for this Project, a similar project (CMI, formerly Papich Construction Company, Inc. Goshen Asphalt Plant) analyzed the financial feasibility of the proposed project versus a reduced (50%) project. The result was a much narrower profit margin for the reduced project. Much of the efficiencies that would be gained by having a larger production would be lost on the reduced project. For instance, the existing equipment on site was built for a certain maximum daily tonnage capacity that would not be realized, thus the equipment would be underutilized under a reduced project alternative. In addition, net income before property costs, debt service and income tax would be approximately 63% less for the reduced project than the proposed project. Based on the similarity of these projects, it is not unreasonable to conclude that a 50% reduction in this Project's size would result in a substantial reduction of the economic objectives of this Project.

Evaluation of Alternatives: Alternative 1 (No Project) is not considered a viable alternative as it does not accomplish the main element of the Project, which is to develop an asphalt/concrete batch plant and recycling of asphalt/concrete. Factors considered in the comparison of Alternative 2 (Alternative Site) include control of an alternative site, re-initiating the entire application process, the need for new technical studies and/or investigations (e.g., air quality/greenhouse gases,

biological, cultural, geologic, hydrologic, traffic, etc.), and other considerations as noted earlier in this Chapter. Factors considered in the comparison of Alternative 3 (50% Reduction) include air quality, traffic, and economic considerations as noted earlier. Environmental considerations for CEQA purposes are discussed in the next section of this chapter.

In summary, the proposed Project is preferred over all other Alternatives for the following reasons:

- The proposed Project is capable of contributing toward meeting asphalt and concrete materials needs to accommodate planned growth in Tulare county and the region.
- The proposed Project contributes in implementing local and state landfill diversion goals by recycling asphalt/concrete.
- The proposed Project maintains ease of handling and transportation efficiencies by locating near major roadways/highways and in a location that is readily accessible to all parts of Tulare County and beyond.
- The proposed Project is an allowed use with a special use permit in the AE-40 zone.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines Section 15126.6 (e)(2) requires that the environmentally superior alternative be identified. If the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives.

The following analyses evaluates Alternatives 1, 2, and 3 against the proposed Project in order to identify the environmentally superior alternative. The relative environmental impacts associated with each of the Alternatives, as compared to the proposed Project, are summarized in **Table 5-1**. A matrix comparing the Evaluation Criteria and Project objectives as they pertain to each Alternative is provided in **Table 5-2**.

Table 5-1
Alternatives Evaluation

	Alternative 1 Project	Alternative 2 Alternate Site	Alternative 3 Reduced (50%) Project
1. Project Specific Elements	No	Some	Yes
2. Project Objectives	No	Some	Some
3. Minimize Costs	No	No	Yes
4. Operational Efficiency	No	No	No
5. Reduce Significant Impacts	Yes	Unknown	Some
6. Physical Feasibility	No	Some	Yes

Alternative 1: – No Project Alternative. The No Project Alternative would avoid all potential construction- and operations-related impacts related to air quality, biological resources, cultural resources, greenhouse gas emissions, noise, and traffic resulting from the proposed Project and each of the other Alternatives identified earlier. However, the No Project Alternative would not meet any of the Project objectives or project-specific elements. Therefore, the consideration of the No Project Alternative being the environmentally superior alternative would require the judgment

of whether in balance, eliminating or avoiding certain impacts is of greater benefit environmentally than avoiding certain other impacts. Therefore, this Alternative would not meet the criteria as the Environmentally Superior Alternative.

Alternative 2: – Alternate Site. It is unknown if the environmental impacts associated with this Alternative would be less than the proposed Project because it would be speculative to evaluate an unsecured alternate site. This is primarily due to the fact that the applicant does not have control of an alternate site. However, as noted earlier, construction and operation at an alternate site would result in environmental impacts that are likely equal to or greater than the proposed Project. The majority of Project impacts are also likely to occur at an alternate site. Therefore, impacts associated with air quality, greenhouse gas emissions, water use, traffic (and possibly noise and infrastructure) could likely be equal to or greater than the proposed Project. If an alternate site acquisition were viable, the applicant would have to re-initiate the application and environmental review process as a new project. Various engineering and technical studies would need to be completed. The time requirements for these activities would reduce the ability of the Applicant to accommodate projected asphalt/concrete demand in a timely manner compared to the proposed Project. As such, this alternative would be the most complex, costly, and time-consuming alternative to implement. Therefore, Alternative 2 is not superior to the proposed Project and is not considered a viable alternative.

Alternative 3: – Reduced (50%) Project. As noted earlier, under Alternative 3, the proposed Project would be permitted for only 50% of the proposed capacity. Operations would essentially be the same as the proposed Project except that throughput would be substantially reduced. Most of the environmental issues associated with Alternative 3 would be similar to those of the proposed Project. Alternative 3, however, does involve reduced tonnages. Issues sensitive to changes in tonnages relate to air quality, traffic, and economic considerations. Also, as noted earlier, it is not unreasonable to conclude that a 50% reduction in this Project's size would result in a substantial reduction of the economic objectives of this Project. Apart from the No Project Alternative, Alternative 3 Reduced (50%) Project would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to air, noise and traffic. However, the Reduced (50%) Project does not meet all of the applicant's Project objectives, particularly with regard to the financial feasibility of this alternative.

In summary, based upon the above analyses, Alternative 3 is the Environmentally Superior Alternative as it would result in reduced significant impacts. However, it does not meet all of the evaluation criteria and importantly, it would not meet the economic objectives of the Project. As seen in **Table 5-2** contains a comparison of each Alternative's and the proposed Project's abilities to achieve the Project objectives and reduce environmental impacts.

Table 5-2: Impacts of Alternatives Compared to the Proposed Project			
Impact Topic	**Alternative 1 No Project**	**Alternative 2 Alternate Site**	**Alternative 3 Reduced (50%) Project**
Aesthetics	less	unknown-to-more	less
Agriculture and Forestry Resources	less	similar-to-more	similar
Air Quality	less	similar-to-more	less
Biological Resources	less	unknown-to-more	similar
Cultural Resources	less	unknown-to-more	less
Energy	less	unknown-to-more	less
Geology and Soils	less	unknown	less
Greenhouse Gas Emissions s	less	unknown-to-more	less
Hazards and Hazardous Materials	less	unknown-to-more	less
Hydrology and Water Quality	similar	unknown-to-more	less
Land Use and Planning	less	unknown	similar
Mineral Resources	similar	unknown	similar
Noise	less	unknown	less
Population and Housing	similar	unknown	less
Public Services	similar	unknown-to-more	less
Recreation	similar	similar	similar
Transportation	less	unknown-to-more	less
Tribal Cultural Resources	less	unknown	similar
Utilities and Service Systems	less	unknown-to-more	less
Wildfire	less	unknown	similar
Mandatory Findings of Significance	less	unknown	less

REFERENCES

See References cited in Chapter 3-2 Air Quality; Chapter 3-4 Biological Resources; Chapter 3-5 Cultural Resources; Chapter 3-7 Greenhouse Gas Emissions; Chapter 3-16 Transportation; and Chapter 3-18 Tribal Cultural Resources.

Economic, Social, and Growth-Inducing Effects Chapter 6

INTRODUCTION

This chapter discusses economic, social, and growth-inducing effects of the Project. **Table 6-1** provides the CEQA requirements and a summary of the impact analysis.

Table 6-1
Summary of Economic, Social and Growth Inducing Impacts

Topic	Summary of Impact	CEQA Requirement
Economic Impact	The proposed Project will not result in negative impacts to the region. It will result in increases in economic benefits as the Project is anticipated to provide up to 20 permanent jobs.	CEQA does not have specific requirements for evaluating the economic impacts of a Project. Section 15131 of CEQA Guidelines states that "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires."
Social Impact	The proposed Project would not result in disproportionate environmental effects on minority populations, low income populations, or Native Americans. The proposed Project does not pose any adverse environmental justice issues that would require mitigation.	The social impacts of a project include environmental justice considerations. California Government Code Section 65040.12 defines Environmental Justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies."
Growth Inducing Effect	The proposed Project would not result in significant growth inducing impacts. The proposed Project will result in only 20 permanent jobs. The Project will not result in new housing. Growth inducing impacts will be less than significant.	CEQA Guidelines Section 15126 (d) makes recommendations for analyzing impacts due to growth inducement, including discussing ways in which the project could foster economic or population growth, the construction of additional housing, or other factors which could remove obstacles to population growth or encourage and facilitate other activities which could impact the environment individually or cumulatively.

Based on the information provided in **Table 6-1**, implementation of the proposed Project would result in ***Less Than Significant*** environmental impacts, either individually or cumulatively, caused by either economic, social, or growth-inducing effects. No mitigation measures are required.

DEMOGRAPHICS

"The unemployment rate in the Tulare County was 9.8 percent in April 2019, down from a revised 12.1 percent in March 2019, and unchanged the year-ago [2018] estimate of 9.8 percent. This compares with an unadjusted unemployment rate of 3.9 percent for California and 3.3 percent for

the nation during the same period."[1] The general demographic information can be found in **Table 6-2**.

Table 6-2
Profile of General Population and Housing Characteristics - 2010[2]

Demographic Profile Data	Tulare County
Population	
Total	442,179
% Hispanic or Latino	60.6%
% not Hispanic or Latino	39.4%
White alone	27.5%
Black or African American alone	0.4%
Asian alone	0.2%
Some other race alone	0.1%
Two or more races	1.4%
Housing	
Total housing units	141,696
Occupied Housing Units	130,352
Vacant housing units	11,344
Owner-occupied housing units	76,586 (58.8%)
Renter-occupied housing units	53,766 (41.2%)
Homeowner vacancy rate (%)	2.4%
Renter vacancy rate (%)	5.8%

ECONOMIC EFFECTS

Section 15131 of the CEQA Guidelines states:

"Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. But rather, an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the

[1] State of California Employment Development Department, Labor Market Information. Accessed June 2019 at: https://www.labormarketinfo.edd.ca.gov/file/lfmonth/visa$pds.pdf..

[2] U.S. Census Bureau, 2010 Demographic Profile Data. Accessed June 2019 at: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.

project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

(c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."[3]

Economic and Social Benefits of the Proposed Project

The proposed Project will provide multiple economic and social benefits as follows:

- Addition of 20 new permanent jobs;
- Production of construction materials (asphalt and concrete) to support roadway improvements and other construction projects in the County of Tulare;
- Reduction of air quality impacts (that is, in the form of air pollutants avoided to extract and transport raw material);
- Decrease raw material extraction through recycling of asphalt and concrete for re-use;
- Increase diversion to landfills through recycling of asphalt and concrete; and
- Increase conservation, reduction, and efficiency of energy usage (that is, in the form of electricity, natural gas, gasoline, and diesel fuel used to produce/transport finished products).

[3] State of California, Natural Resources Agency, Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Section 15131. Accessed in June 2019 at: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf.

SOCIAL EFFECTS

Environmental Justice

"The basis for environmental justice lies in the Equal Protection Clause of the U.S. Constitution. The Fourteenth Amendment expressly provides that the states may not "deny to any person within [their] jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, Section1).

On February 11, 1994, President Clinton signed Executive Order (E.O.) 12898, titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The executive order followed a 1992 report by the U.S. Environmental Protection Agency (U.S. EPA) indicating that "[r]acial minority and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, and other forms of environmental pollution." Among other things, E.O. 12898 directed federal agencies to incorporate environmental justice into their missions."[4]

Although the EIR identifies some potentially significant impacts that could result from the proposed Project, the EIR also indicates they can all be reduced or avoided through the adoption and implementation of project design features and feasible and reasonable Mitigation Measures. The Project is intended to provide single-family and multi-family housing that will be available for purchase and/or rent. Therefore, the residential development will not adversely impact low-income and/or minority populations.

Inappropriateness of Affordable Housing

The project does not include a land use change from agricultural nor does it propose to add or remove any affordable housing. In addition, the project site is not suitable for affordable housing. Affordable housing projects require high-densities to maintain economic and financial viability. Low densities typically do not result in enough income volume to pay for the cost of construction. In addition, the project site is not located adjacent to a bus line or within the central portion (downtown) of a community, which would place additional hardships and increase the cost of living for potential low-income residents.

Appropriateness of Location

The project site is located in an agricultural area with adequate access to major north-south and east-west highways. The site is zoned agricultural but was previously used as a concrete plant. The site is generally surrounded by agricultural uses, with other commercial/industrial uses in the vicinity. The nearest residential unit is located approximately 1,000 feet to the north. This location is a favorable location because it is centrally located in the County, it is away from substantial sensitive land uses and is proximate to major County highways.

[4] State of California, General Plan Guidelines 2003. Page 22. Accessed June 2019 at: http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.

GROWTH-INDUCING EFFECTS

As outlined in the CEQA Guidelines § 15126.2 (e), growth-inducing impact of the proposed Project should "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."[5]

Generally, growth inducing impacts are a result of very large businesses or very large housing developments. A large influx of jobs or people would require additional services which could potentially induce growth related impacts. The proposed Project involves an industrial-type use that is allowed by the zoning classification at the Project location. Although the proposed Project is estimated to result in up to 20 new jobs, most of these are low skill jobs and would be available to any able bodied person. As these jobs will not require high skilled labor, it will not be necessary to recruit higher skilled person beyond the region of the Project and it is anticipated that the majority of new employees will be current residents within or near Visalia and/or the County. As such, the proposed Project will not significantly induce growth. See summary in **Table 6-3**.

Table 6-3
Growth Impacts

Potential Growth Inducing Impacts	*Discussion*
Economic/Population Growth	*The proposed Project will result in up to 20 new jobs, which will result in increased economic growth. Although the proposed Project will result in an economic benefit for Tulare County, the proposed Project will not induce substantial growth.*
Foster the Construction of Additional Housing	*The Proposed Project will not result in a need for additional housing.*
Other Activities	*The proposed Project will not include other growth related activities.*

As noted in **Table 6-3**, the Project would result in ***Less Than Significant Growth-Inducing Impacts***.

REFERENCES

State of California Employment Development Department, Labor Market Information. Accessed June 2019 at: https://www.labormarketinfo.edd.ca.gov/file/lfmonth/visa$pds.pdf.

State of California, General Plan Guidelines 2003. Accessed June 2019 at: http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.

State of California, Natural Resources Agency, Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Accessed in June 2019 at: http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

Tulare County Housing Element 2015 Update, Adopted November 17, 2015; Certified by State of California Department of Housing and Community Development on December 9, 2015.

Tulare County General Plan 2030 Update and Final EIR adopted by the Board of Supervisors, August 28, 2012, Resolution No. 2012-0699.

United States Census Bureau, 2010 Demographic Profile Data. Accessed June 2019 at: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.

Immitigable Impacts
Chapter 7

NO ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Under CEQA Guidelines §15126.2 (b), "[w]here there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."[1] This analysis should include a description of any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.

The proposed Project is anticipated to result in ***Significant and Unavoidable Impacts*** to the Air Quality resource. All other impacts have been found to be Less Than Significant, or have been mitigated to a level considered Less Than Significant.

Based upon the information contained in this Draft Environmental Impact Report and supporting conclusions contained in studies and/or other referenced information, it is the RMA's conclusion that the public benefits of the Project, including benefits to greenhouse gas emission, reduction in solid waste, reduce development pressure on agriculture, and increased employment, outweigh any negligible impacts to the environment.

NO IRREVERSIBLE IMPACTS

Under CEQA Guidelines §15126.2 (c), "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code section 21100.1 and Title 14, California Code of Regulations, section 15127 for limitations to applicability of this requirement.)"[2]

The resources committed to the proposed Project are standard resources necessary for the construction and operation of an asphalt and concrete batch plant. Potential minimal impacts would occur during the construction-related phase and once the site is developed. As noted in applicable resource sections, the proposed Project would be required to comply with local, state, and federal permitting requirements and operational practices, including air quality and greenhouse gas emission reductions (for example, through conservation of electricity and water

[1] CEQA Guidelines, Section 15126.2 (b).
[2] Ibid. 15126.2 (c).

and compliance with ARB's truck regulations), the proposed Project would not result in any irreversible life-cycle costs. The proposed Project will be in compliance with the goals of the Climate Change Scoping Plan that outlines the State's GHG reductions strategy.

STATEMENT OF OVERRIDING CONSIDERATIONS

Authority to Approve Project Despite Significant Effects

As contained in CEQA Guidelines §15043, "[a] public agency may approve a project even though the project would cause a significant effect on the environment, if the agency makes a fully informed and publicly disclosed decision that:

(a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and

(b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (see Section 15093)"[3]

When approving a project pursuant to § 15043, an agency must prepare a statement of overriding considerations. As noted in CEQA Guidelines § 15093, "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 proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable."[4]

"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."[5]

"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."[6]

Overriding Considerations for the Proposed Project

Based on the analysis contained in this Draft EIR, air quality-related environmental effects resulting from mobile sources (heavy-duty truck travel) will remain significant and effective mitigation is not practicably or economically feasible. Tulare County concludes that there are no

[3] CEQA Guidelines, Section 15043.
[4] Ibid. 15093 (a).
[5] Ibid. 15093 (b).
[6] Ibid. 15093 (c).

feasible alternatives that can reduce this potentially significant and unavoidable impact to a less than significant level. Furthermore, the Project's merits and objectives are discussed in the Project Description (Chapter 2) and are found to be consistent with the intent of Tulare County General Plan 2030 Update. In addition, the Project's merits would outweigh any unavoidable and immitigable impacts warranting a Statement of Overriding Considerations.

Finding of No Feasible Alternatives

CEQA section 21061.1 defines "feasibility" as involving a balancing of various economic, environmental, social, and technological factors.

The primary purpose of the proposed Project is to establish and operate an asphalt and concrete batch plant in the County of Tulare to serve new developments and road maintenance activities within the County. This DEIR has analyzed potential impacts in accordance with CEQA standards and outlines appropriate mitigations in the instance where the proposed Project could cause potential significant impacts upon resources.

Air Quality: As noted in Chapter 3.3 Air Quality, the Project is consistent with the assumptions and emissions inventories of the applicable AQP. Consultation with the Air District, and implementation of County policies and compliance with Air District rules and regulations ensure that potential impacts from the Project's stationary source emissions do not exceed the Air District's annual thresholds of significance. However, at maximum production capacity the Project's operational (off-site) mobile source NOx emissions would exceed the significance threshold. Mobile source emissions are under the jurisdiction of the Air Resources Board (ARB). The Applicant's fleet is compliant with current ARB truck regulations, and it is reasonable to assume that all vehicles accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related NOx emissions are also expected to decrease. As the Applicant does not have control over all heavy-duty vehicles entering the site, and other operators are also assumed to be compliant with existing regulation, the overall Project NOx emissions would result in a ***Significant and Unavoidable Cumulative Impact*** to Air Quality.

PROJECT BENEFIT STATEMENTS

The Project Objectives are also presented in full in Chapter 2 of this DEIR. As noted in Chapter 2, the Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) a concrete batch plant that would produce 100,000 cubic yards (approximately 200,000 tons) of concrete per year for commercial and retail sale; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year for commercial and retail sale; and 3) recycling of 30,000 tons per year of concrete and asphalt to be crushed into recycle base. The project benefits are described below:

Objective 1: Industrial Developments

Tulare County General Plan Policy LU-5.1 encourages a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base. The proposed Project includes industrial development within an area allowable by a Special Use Permit.

Objective 2: Compatibility with Surrounding Land Use

The rural nature of the site, the predominantly surrounding dairy-related uses, the proximity of SR 99, and other factors make this site suitable for the proposed Project uses. As such, potential environmental impacts are, or can be reduced to, less than significant and will not result in significant harmful impacts to adjacent land uses.

Objective 3: Storage Screening

Tulare County General Plan Policy LU-5.3 requires adequate landscaping and screening of industrial storage areas to minimize visual impacts and enhance the quality of the environment. The proposed Project will include provisions or landscaping to obstruct views from surrounding areas.

Objective 4: Access

Tulare County General Plan policy (LU-5.5) requires that industrial-type development be located where there is access from collector or arterial roads, and where industrial/heavy commercial traffic is not routed through residential areas with uses not compatible with such traffic. The proposed Project proposes would be located in an area that contains only scattered rural residences and is near two major highways (SR 99 and SR 198). Access to and from the site for heavy duty trucks will be on roadways that are planned for such use.

Objective 5: Practice of Recycling Concrete

According to the CalRecycle's (Board) 2008 Statewide Waste Characterization Study, "Asphalt and concrete represent over 977,000 tons of disposal or around 2.4 percent" of all waste material in the State of California.[7] "The use of recycled aggregate can save money for local governments and other purchasers, create additional business opportunities, save energy when recycling is done on site, conserve diminishing resources of urban aggregates, and help local governments meet the diversion goals of AB 939." [8] "In 2011, California set an ambitious goal of 75 percent recycling, composting or source reduction of solid waste by 2020.[9]" For recycling and waste

[7] California Integrated Waste Management Board (Cal Recycle). "Contractor's Report to the Board. California 2008 Statewide Waste Characterization Study". Table ES-3 Composition of California's Overall Disposed Waste Steam by Material Type. Page 6. Prepared by Cascadia Consulting Group. August 2009. Accessed June 2019 at: https://www2.calrecycle.ca.gov/Publications/Details/1346.

[8] Ibid.

[9] CalRecycle. California's 75 Percent Initiative: Defining the Future. Accessed June 2019 at: https://www.calrecycle.ca.gov/calendar/75percent. Accessed January 2019.

prevention, each agency is required to establish a goal for diversion of solid waste from landfilling or incineration. In addition there is the added cost for disposing concrete that results in greater tipping fees. Therefore, the proposed Project's reuse of recycled concrete and other material is beneficial.

Objective 6: Efficient Business Operations

The proposed Project is intended to implement Applicant's strategic business plan by planning, designing, constructing, and operating a facility which is economically, technologically and environmentally feasible.

Project Benefit # 1): Increase Availability of Construction Materials

The Project will produce construction materials to support roadway improvements and other construction projects in the County of Tulare.

Project Benefit # 2: Job Creation

The Project will create a total of 15-20 new full time jobs for Tulare County residents.

Project Benefit #3) Annual Maintenance Fee

Applicant shall pay a $500,000 fair share exaction for roadway improvements in the County of Tulare. The mechanism for payment of the fair share payment shall be established prior to Project approval.

Project Benefit # 4): Conservation of Mineral Resources

The Project includes diversion from landfills and recycling of 30,000 tons annually of asphalt and concrete. The recycled asphalt and concrete will be crushed to be used as base material. Recycling asphalt and concrete also results in conservation of virgin (raw) material.

Project Benefit # 5): Implementation of Countywide 2030 General Plan Policies

Tulare County's General Plan Policies that are in with the Project's purpose and objectives are included in each CEQA Checklist Resource chapter contained in Chapters 3-1 thru 3-21. One hundred six (106) General Policies apply to this Project.

Project Benefit #6) Aesthetic Improvements

As a result of Aesthetic Impacts, the Project is required to provide landscaping Landscape screening (with a 5 year grow out schedule to maturity) shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project's structures and activities from the public right-of-way (See **Figure 3.1-3**). Also, the silos used for the

Project are required to be painted in earth-toned colors to allow them to blend into the surrounding scenery to the fullest extent.

REFERENCES

Chapter 3.1 thru 3.21 of this DEIR

Public Resources Code, Sections 2710-2796

CEQA Guidelines, Sections 15043, 15093 (a) (b) (c), and 15126.2 (b) (c)

Tulare County General Plan 2030 Update, August 2012

Mitigation Monitoring and Reporting Program Chapter 8

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project. The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body is going to approve a project and certify the EIR that it also adopt a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain 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 by whom and compliance will be monitored and reported and to whom it will be report. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.

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

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the Draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled "Monitoring Timing/Frequency," identifies the time the Mitigation Measure should be initiated and the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The third column,

"Action Indicating Compliance," identifies the requirements of compliance with the Mitigation Measure. The fourth column, "Monitoring Agency," names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, "Person/Agency Conducting Monitoring/Reporting" names the party/agency/entity responsible for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored.

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
AESTHETICS							
3.1-1 Landscape screening (with a 5-year grow out schedule to maturity) shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project's structures and activities from the public right-of-way and views from Avenue 280 and along the western, eastern, and southern boundaries of the Project. A landscaping plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
3.1-2 The silos shall be painted in earth-toned colors to allow them to blend into the surrounding scenery to the fullest extent.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector			
AGRICULTURE & FORESTRY RESOURCES							
3.2-1 The applicant will be required to create an agricultural land conservation easement at a ratio of 1 acre of developed property for 1 acre of conserved agricultural land (a 1:1 ratio). This amount of 1:1 will be represented by 19.33 acres within the County. Any replacement acreage will be to the satisfaction of the Planning Director of Tulare County. The applicant will purchase an agricultural land conservation easement, of like agricultural land within the County, on the entire 19.33 acres to be maintained and kept in agriculture in perpetuity. The "ultimate" agricultural easement shall be placed on other suitable and agriculturally compatible property, of the same soil types and arability, within Tulare County; at a replacement ratio of 1:1, and to be	Prior to Issuance of Building Permit.	Approval of Agricultural Land Conservation Easement.	County of Tulare Planning Department	County of Tulare Planning Department			

established as an agricultural land conservation easement in perpetuity.							
BIOLOGICAL RESOURCES							
Swainson's hawks and other raptors and migratory birds (including Loggerhead Shrike)							
3.4-1. (Avoidance). In order to avoid impacts to nesting birds, construction will occur, where possible, outside the nesting season, or between September 16 and January 31.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable.	County of Tulare Planning Department	Field survey by a qualified Biologist.			
3.4-2. (Pre-construction surveys). If construction must occur during the nesting season (February 1-September 15), a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days of the onset of project initiation. Nest surveys will include all accessible areas on the project site and within 250 feet of the project site for tricolored blackbird, loggerhead shrike, and other migratory birds; within 500 feet for non-listed raptors; and 0.5 miles for Swainson's hawks. Inaccessible areas will be scanned with binoculars or spotting scope, as appropriate. If no active nests are found within the survey area, no further mitigation is required.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable.	County of Tulare Planning Department	Field survey by a qualified Biologist.			
3.4-3. (**Establish Buffers**). If active nests are found within the survey areas a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance, baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended or until the qualified biologist has determined that the birds	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			

have fledged and are no longer reliant upon the nest or parental care for survival.							
GEOLOGY AND SOILS							
3.7-1 Submit to the Tulare County RMA Director a grading and construction plan that highlights the planned locations of excavations or other ground alterations that would result in the exposure of soils at depths greater than 5 feet below existing grade within the project site.	Prior to construction-related activities.	Approval by Tulare County RMA	County of Tulare Planning Department	County of Tulare Planning Department			
3.7-2 a) In the event any paleontological resources are exposed or discovered during subsurface excavation or construction in areas not being monitored by the professional paleontologist, ground-disturbing operations shall stop within 25 feet of the find and the professional paleontologist shall be contacted immediately to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan. **b)** If paleontological resource are encountered, retain the services of a qualified professional paleontologist as recognized by the Museum of Paleontology at U.C. Berkeley. **c)** If paleontological resource are encountered, authorize the professional paleontologist to prepare a Paleontological Monitoring and Recovery Plan, following the guidelines of the Society of Vertebrate Paleontology (1995), and submit the Plan to the County for review and approval prior to ground disturbance. **d)** If paleontological resource are encountered, authorize the professional paleontologist to visually monitor the planned excavations that extend deeper than five (5) feet below existing grade at the project site. No monitoring of excavation or construction by the	During construction-related activities.	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Planning Department	County of Tulare Planning Department			

professional paleontologist is required outside the identified deep excavation areas within the project site. **e)** If paleontological resource are encountered, provide advance authorization to the professional paleontologist to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan to ensure protection, preservation, and proper recovery of any paleontological resources, including reporting requirements.							
HAZARDS AND HAZARDOUS MATERIALS							
8-1 The Project proponent shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			
8-2 Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			
NOISE							
13-1 Construction-related activities (e.g., set-up), excluding emergency work and activities that would result in a safety concern to the public or construction workers, shall be limited to between the hours of 7:00 A.M. and 7:00 P.M. Construction-related activities (e.g.,	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			

set-up) activities shall be prohibited on Sundays and federal holidays.							
13-2 Construction-related activities (e.g., set-up) equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			
TRANSPORTATION							
17-1. The Project Applicant will be responsible for paying an equitable share fee as determined between the Applicant and Caltrans based on the trips identified in Table 3.17-1 or through another methodology agreed upon by Applicant and Caltrans. Applicant and Caltrans will determine terms and timing of the equitable share.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department & Caltrans	Tulare County Planning Department			
17-2. The Project Applicant will pay their fair share towards the necessary maintenance based on a proportionate share calculation based on vehicle impact to the structural section for this roadway segment between SR 99 and the Tulare/Kings County line. This shall be made a Condition of Approval of the Project.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department	Tulare County Planning Department			
TRIBAL CULTURAL RESOURCES							
18-1. 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	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	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			

such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.				with all applicable laws including CEQA.			
18-2. 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, 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: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. 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. 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	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	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.			

as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 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. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

Report Preparation
Chapter 9

PERSONS WHO PREPARED THIS REPORT

Key persons from the County of Tulare and the consulting firms that contributed to preparation of the Draft Environmental Impact Report (Draft EIR) are identified below:

LEAD AGENCY: COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY
5961 South Mooney Blvd.
Visalia, CA 93277

Jason T. Britt	County Administrative Officer
Reed Schenke	RMA Director/Environmental Assessment Officer
Michael Washam,	Associate Director / Economic Development and Planning Branch
Aaron Bock	Assistant Director / Economic Development and Planning Branch
Johnny Wong	Chief, Economic Development and Planning Branch
Hector Guerra,	Chief, Environmental Planning
Michael Winton	Engineer IV, Public Works Branch
Jessica Willis	Planner IV
Charles Przybylski	Planner IV
Cheng Chi	Planner I
Russell Kashiwa	Planning Technician

TECHNICAL REPORTS PREPARED BY:

ASM Affiliates, Inc. - Phase I Survey, 7763 Avenue 280, Visalia, Tulare County, California

- David S. Whitley, Ph.D., RPA
- Peter A. Carey, M.A. RPA

Alta Environmental – Health Risk Assessment, SJVAPCD Hot Mix Asphalt Plant Permit Application, SJVAPCD Stationary Concrete Batch Plant Permit Application

- Chris Waller, Director of EHS & Air
- Diana Nguyen, Associated Consultant, EHS & Air

Live Oak Associates, Inc. – "Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project Tulare County, California"

- Austin Pearson, Director of Ecological Services
- Jeff Gurule, Senior Project Manager and Staff Ecologist

Mason GeoScience. – "Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant" and "Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant"

- Fred Mason, Professional Geologist No. 8442, Certified Engineering Geologist No 2660, Certified Hydrogeologist No. 996

Peters Engineering Group – "Traffic Impact Study Proposed Concrete and Asphalt Batch Plant Avenue 280 West of State Route 99 Tulare County, California"

- John Rowland, Professional Engineer No. 2484, Traffic Engineer