

# COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard  
Visalia, CA 93277

## Cutler-Orosi Community Plan Update

GPA 18-003 (Community Plan)

PZC 18-011 (Zoning District Map)

PZC 18-009 (Section 18.9 Zoning Ordinance - Mixed Use)

PZC 18-010 (Section 16 Zoning Ordinance - By Right)

## Final Environmental Impact Report (SCH# 2021040258)

November 2021

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

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# Introduction and Response to Comments

## Chapter 10

### INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Cutler-Orosi Community Plan Update was made available for public review and comment for a period of 45 days from September 22, 2021, through November 5, 2021. The purpose of this document is to present public comments and responses to comments received on the Cutler-Orosi Community Plan Update Draft Environmental Impact Report (SCH # 2021040258).

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

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

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

### REVISIONS OUTLINED IN THE RESPONSE TO COMMENTS

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

### PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Cutler-Orosi Community Plan Update (SCH # 2014021057) have been analyzed in a Draft Environmental Impact Report (Draft EIR) dated September 2021. Consistent with Section

Final Environmental Impact Report  
Draft Cutler-Orosi Community Plan 2021 Update  
SCH No. 2021040258

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15205 of the State CEQA Guidelines, the Draft EIR for the Cutler-Orosi Community Plan Update is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a 30-day public review period; however, if a Draft EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. The County of Tulare provided a 45-day review period.

The Cutler-Orosi Community Plan Update Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the RMA, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. The Draft EIR's Notice of Availability (NOA) was also published in the *Exeter Sun-Gazette*, a newspaper of general circulation, on September 22, 2021, as required by CEQA.

During the 45-day review period, the Draft EIR and the technical appendices were also made available at the following locations:

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

Orosi Branch Library  
12646 Avenue 416  
Orosi, CA 93647  
(559) 591-5830

In addition, the Cutler-Orosi Community Plan Update Draft EIR was posted on the Tulare County website at:

<https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/cutler-orosi-community-plan-2021-update/>

## RELEVANT CEQA SECTIONS (SUMMARY)

See Complete Sections in CEQA Guidelines Sections 15088 to 15384, et seq. which can be accessed at:

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

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

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...
- (b) The lead agency shall provide... response to a public agency on comments made ... at least 10 days prior to certifying.

- (c) The written response shall describe the disposition of significant environmental issues raised. In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations, and objections raised in the comments must be addressed in detail

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

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

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

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

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

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

**Section 15091. Findings.**

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

**Section 15092. Approval.**

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

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

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

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

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

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

The lead agency shall:

- (a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.
- (b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.
- (c) Retain one or more copies of the final EIR as public records for a reasonable period of time.
- (d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

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

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

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

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

## **RESPONSES TO COMMENTS**

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

The County of Tulare received one (1) comment letters on the Draft EIR during the designated comment period (between September 22, 2021, and November 5, 2021).

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft EIR received as of close of the public review period on November 5, 2021.

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

No oral comments were received.

Comments from Federal, State, or County Agencies:

Comment Letter 1 David Deel, Associate Transportation Planner, Transportation Planning – South, California Department of Transportation, November 5, 2021

Comments from adjacent property owner's:

None received.

Comments from supporters of or opposition to the proposed Project:

None received.

### **COMPREHENSIVE LIST OF RESPONSES**

#### **Comment Letter 1 CALIFORNIA DEPARTMENT OF TRANSPORTATION, NOVEMBER 5, 2021**

**Subject 1:** Acknowledgement of having received and reviewed the Cutler-Orosi Community Plan Update DEIR and brief discussion the Project location.

**Response:** The County agrees with this comment.

**Subject 2:** Brief summary of the Project consistency with the Tulare County General Plan with regard to the primary goals and objectives of the proposed plan.

**Response:** The County agrees with this comment.

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**Subject 3:** Summary of Caltrans' mission and comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities.

**Comment 1:** *“According to the Caltrans 2014 Transportation Concept Report (TCR), the communities of Cutler/Orosi are located within segment 10 of SR 63. Segment 10 of SR 63 within the Project area is currently a 4-lane conventional freeway and remains the same for the Ultimate Transportation Concept beyond 2035.”*

**Response:** The County appreciates this clarification. The Traffic Impact Study (TIS) indicates (on pages 1 and 11) that, “State Route (SR) 63 is the principle state highway serving the Cutler-Orosi Community. SR 63 primarily exists as an undivided four-lane road without bike lanes throughout Cutler-Orosi Community.” The DEIR cites to the TIS on pages 3.13-3 and 3-17-26. This clarification will be included in the errata section of the Final EIR.

**Comment 2:** *“Alternative transportation policies should be applied to land use development within Cutler-Orosi community plan area. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in the Cutler-Orosi community. The assessment should include the following:*

- a. Pedestrian walkways should link to transit facilities, as well as other walkways or trails within the Cutler-Orosi community.*
- b. Consider coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.*
- c. Transit services should be extended within the Cutler-Orosi community.”*

**Response:** The Community Plan Update includes the Complete Streets program for the community. As indicated in the Draft EIR, the Complete Streets Program is one of the three components of the project. “The Cutler-Orosi Complete Streets Program was approved by the Board of Supervisors on December 30, 2016, for inclusion in the Circulation Element of this Community Plan Update. The Cutler-Orosi Complete Streets Program has thoroughly analyzed the alternative forms of transportation, including transit, bicycle ways, and pedestrian circulation. The Complete Streets Program also contemplates use of alternative transportation and facilities for all users from the elderly to children and will be useful in proposing Safe Routes to School and other Public Benefit Projects in the Community.”<sup>1</sup> The Complete Streets Program can be found within the circulation element of the Draft Community Plan Update, which was included in the Draft EIR as Appendix “G”. Furthermore, the County will evaluate future development projects within the Urban Development Boundary on a project-by-project basis and will incorporate alternative transportation measures as applicable and/or feasible.

**Comment 3:** *“Caltrans acknowledges that Tulare County is currently working to install bus stops along SR 63 within the Cutler-Orosi community.”*

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<sup>1</sup> Tulare County. Cutler-Orosi Draft Environmental Impact Report. Pages ES-7 and ES-10

**Response:** The County appreciates Caltrans' acknowledgement of County efforts to improve the transit system within the community.

**Comment 4:** *"Caltrans does not have any current improvement projects along SR 63 in the Cutler-Orosi community, at this time."*

**Response:** Comment noted; no further response necessary.

**Comment 5:** *"Caltrans is working with Cutler/Orosi Joint Union School District and Tulare County regarding potential intersection improvements at SR 63/Avenue 419 intersection."*

**Response:** The County appreciates Caltrans' inter-agency cooperation regarding public safety improvement projects such as the SR 63/Avenue 419 project.

**Comment 6:** *"Caltrans recommends implementing "smart growth" principles for development in the Cutler-Orosi community regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs."*

**Response:** The Community Plan Update includes goals and policies, including many smart growth principles, to direct the future growth within the community. The County will evaluate future projects on a project-by-project basis and will implement smart growth principles as applicable and/or feasible.

**Comment 7:** *"Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and Green House Gas (GHG) emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network."*

**Response:** As noted in the Draft EIR, "Furthermore, implementation of the Complete Streets and Road Maintenance Programs will further reduce GHG emissions by providing a safer, more walkable community, thereby reducing VMT within the communities."<sup>2</sup> "In August of 2020, Tulare County prepared SB 743 Guidelines and established a significance threshold for Community Plan Updates and other types of projects. The applicable significance threshold for Community Plan Updates is VMT/capita in the horizon year that exceeds VMT/capita for existing conditions. The analysis described in Chapter 5 [in the TIS] concludes that the project will not exceed this threshold."<sup>3</sup> Also, there are no development proposals as part of project. The County will evaluate future development projects on a project-by-project basis for compliance with the County's SB743 policy.

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<sup>2</sup> Ibid. 3.8-19

<sup>3</sup> Op. Cit. 3.17-48

**Comment 8:** *“Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the County of Tulare work with land use developers to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes within the Cutler-Orosi community.”*

**Response:** See response to Comment 7.

**Comment 9:** *“Caltrans recommends land use projects should incorporate charging stations for electric vehicles as part of the statewide efforts to reduce greenhouse gas emissions.”*

**Response:** There are no development proposals as part of project. The County will evaluate future development projects on a project-by-project basis for compliance with the County’s SB743 policy and will implement electric charging stations as applicable and/or feasible.

## **PROJECT SUMMARY**

The proposed Project includes the proposed General Plan Amendment (No. GPA 18-003) for the Cutler-Orosi Community Plan Update, the Zone Ordinance Amendment for the Cutler-Orosi Zoning District (PZC 18-011), the Zone Ordinance Amendment for the Cutler-Orosi Mixed Use Overlay District (PZC 18-009), and the Zone Ordinance Amendment for the Cutler-Orosi By-Right Zoning (PZC 18-010).

On September 30, 2014, the Tulare County Board of Supervisors (BOS) approved the Planning Branch proposal to update the Cutler-Orosi Community Plan. The Cutler-Orosi Community Plan will become consistent with the Tulare County General Plan 2030 Update, and will include the following primary goals and objectives.

1. Land Use and Environmental Planning – Promote development within planning areas next to the Regional State Route 63 Corridor in order to implement the following General Plan goals:
  - a) Ensure that the text and mapping of the Community Plan Designations and Zoning Reclassifications address various development matters such as encouraging Agricultural Adaptive Reuse activities, recognizing Non-Conforming Use activities, and facilitating Ministerial Permit approvals;
  - b) Encourage infill development within Urban Development Boundaries, thereby discouraging leapfrog development within Tulare County;
  - c) Reduce development pressure on agriculturally-designated lands within the Valley Floor, thereby encouraging agricultural production to flourish;
  - d) Reduce vehicle miles travelled throughout the County, thereby positively affecting air quality and greenhouse gas reduction; and
  - e) Help to improve the circulation, transit and railroad transportation system within this community, including, but not limited to, laying the groundwork for the construction of key projects such as Safe Routes to Schools, Complete Streets, and Bike Lanes/Pedestrian Paths.
2. Improvements for a “disadvantaged community” – It is expected that the community planning areas will be improved for the following reasons:
  - a) With faster project processing resulting from an updated community plan, increased employment opportunities are more likely to be provided by the private sector as proposed project developments can be approved as expeditiously as possible;
  - b) Increased housing grant awards are more likely to occur based on updated community plans that are consistent with the policies of the recently adopted (August 2013) General Plan Update and Housing Element; and
  - c) With updated community plans, enhanced infrastructure grant awards are more likely, thereby providing access to funding to install or upgrade road, water, wastewater, and storm water facilities.

3. **Strengthening Relationship with TCAG** - An important benefit of this expedited community plan process will be the opportunity for RMA to strengthen the County's relationship with the Tulare County Association of Governments (TCAG) in that this and other community plans 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.

## **PROJECT LOCATION**

The community of Cutler-Orosi is located approximately 31 miles south of Fresno on State Highway 99 on the western edge of Tulare County. It is located 1½ miles north of the Visalia Municipal Airport and portions of the community are situated within the approach and departure area of the airport. It lies one tenth of a mile north-west of the city limits of Visalia, 6 ½ miles from the downtown shopping area of Visalia, and immediately west of the Visalia industrial park area. Visalia is the County seat of Tulare County. The unincorporated area of Cutler-Orosi is located within Sections 7, 8, 17, 18, 19, and 20 of Township 16 South, Range 25 East, Mount Diablo Base and Meridian.

## **LOCAL REGULATORY CONTEXT**

The Tulare County General Plan 2030 Update 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 2014-2023 was adopted on November 17, 2015, and certified by State of California Department of Housing and Community Development on December 9, 2015.

## **SCOPE AND METHODOLOGY**

The County of Tulare has determined that a program level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed Cutler-Orosi Community Plan Update. A program level EIR is described in Section 15168 of the State CEQA Guidelines as one that examines the environmental impacts of a series of actions that can be characterized as one large project and are related geographically or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Environmental Impact Report (FEIR)* acknowledges this uncertainty and incorporates these realities into the methodology to

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evaluate the environmental effects of the Cutler-Orosi Community Plan Update, given its long term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

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

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

CEQA Guidelines Section 15002(f) specifies that, “[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage... An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment... When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a “Negative Declaration” instead of an EIR...”<sup>5</sup>

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

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

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<sup>4</sup> CEQA Guidelines, Section 15002 (a)

<sup>5</sup> CEQA Guidelines, Section 15002 (f)

statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”<sup>6</sup>

## **IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS**

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

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

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

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

## **CONSIDERATION OF SIGNIFICANT IMPACTS**

Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment

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<sup>6</sup> Ibid., Section 15021

<sup>7</sup> 2013 CEQA Guidelines, Section 15002 (h)

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shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”<sup>8</sup>

As the Project will have significant and unavoidable effects; a Statement of Overriding Considerations is necessary and required as part of this Final EIR.

## **MITIGATION MEASURES**

CEQA Guidelines Section 15126.4 specifies that:

- “(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
  - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
  - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
  - (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
  - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation

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<sup>8</sup> Ibid., Section 15126.2

- 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.”<sup>9</sup>

## **ORGANIZATION OF THE EIR**

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

### Executive Summary

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

### CHAPTER 1

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA) and Response to Comments received on the Final EIR.

### 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.

### CHAPTER 3

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<sup>9</sup> 2013 CEQA Guidelines, Section 15126.4

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 begins 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 outlines 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 outlines 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 are reviewed for potential cumulative impacts.

***Mitigation Measures***

Mitigation Measures are proposed as deemed applicable.

***Conclusion***

Each conclusion outlines 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 are identified.

***Definitions/Acronyms***

Some sub-chapters of Chapter 3 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 and sources utilized in the Analysis.

### **CHAPTER 10**

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

### **APPENDICES**

Following the main body of text in the EIR, several appendices and technical studies have been included as reference material.

## **ENVIRONMENTAL REVIEW PROCESS**

Pursuant to CEQA Guidelines §15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on February 24, 2014, for a 30-day comment period ending March 26, 2014. Tulare County RMA received two (2) comments on 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 entities have a response to make and may ignore a late response.”<sup>10</sup>

A scoping meeting was held on March 6, 2014, at the Tulare County Resource Management Agency Main Conference Room. 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 30-days. The Draft EIR was circulated publicly for comment beginning on February 23, 2018. Following completion of a 45-day public review period ending on April 9, 2018, staff prepared responses to comments and a Final EIR has been completed. The Final EIR was then forwarded to the County of Tulare Planning Commission for consideration of approval/certification by the Board of Supervisors. Notwithstanding an appeal to the County of Tulare Board of Supervisors, a Notice of Determination will then be filed with the County Tulare County Clerk and also forwarded to the State of California, Office of Planning and Research.

## **ORGANIZATIONS CONSULTED**

### **State and Federal Agencies:**

- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife Region #4
- California Department of Food and Agriculture
- California Department of Forestry and Fire Protection

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<sup>10</sup> CEQA Guidelines, Section 15103

California Department of Resources and Recycling and Recovery  
California Department of Toxic Substance Control  
California Department of Transportation (Caltrans) District #6  
California Department of Transportation (Caltrans) – Transportation Planning  
California Department of Water Resources  
California Environmental Protection Agency  
California Highway Patrol  
California Natural Resources Agency  
Native American Heritage Commission  
Office of Historic Preservation  
Public Utilities Commission  
State Water Resources Control Board – Water Quality  
United States Army Corps of Engineers  
United States Department of Agriculture – Natural Resources Conservation Service  
United States Fish & Wildlife Service

**Local and Regional Agencies:**

Alta Irrigation District  
City of Dinuba  
Cutler-Orosi Joint Unified School District  
Regional Water Quality Control Board Region #5  
San Joaquin Valley Unified Air Pollution Control District  
Tulare County Agricultural Commissioner  
Tulare County Association of Governments  
Tulare County Farm Bureau  
Tulare County Fire Warden  
Tulare County Health and Human Services Agency, Environmental Health Services Division  
Tulare County Local Agency Formation Commission  
Tulare County Office of Emergency Services  
Tulare County Resource Conservation District

Final Environmental Impact Report  
Draft Cutler-Orosi Community Plan 2021 Update  
SCH No. 2021040258

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Tulare County Resource Management Agency: Public Works, Flood Control, Fire, and  
Economic Development and Planning Branch

Tulare County Sheriff's Office

Tulare County U.C. Cooperative Extension

**Other Interested Parties:**

Lozeau Drury LLP

**Native American Tribes:**

Kern Valley Indian Council

Santa Rosa Rancheria Tachi Yokut Tribe

Tubatulabals of Kern Valley

Tule River Indian Tribe

Wuksache Indian Tribe/Eshom Valley Band

# **ATTACHMENT “A”**

## **County Response to Comments**

**California Department of Transportation (Caltrans), November 5, 2021**



# RESOURCE MANAGEMENT AGENCY

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

Aaron R. Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

November 29, 2021

David Deel, Associate Transportation Planner  
Transportation Planning – South  
Department of Transportation – District 6  
1352 West Olive Avenue  
Fresno, CA 93778-2616

**SENT VIA EMAIL**

**Subject:** Response to Comments – Cutler-Orosi Community Plan Update (SCH# 2021040258)

Dear Mr. Deel:

Thank you for providing the California Department of Transportation (Caltrans) letter response (dated November 5, 2021) regarding the Draft Environmental Impact Report (DEIR) for the Cutler-Orosi Community Plan Update, State Clearinghouse #2021040258.

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation/traffic and related matters relative to the proposed project. Based on your comment, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

**Subject 1:** Acknowledgement of having received and reviewed the Cutler-Orosi Community Plan Update DEIR and brief discussion the Project location.

**Response:** The County agrees with this comment.

**Subject 2:** Brief summary of the Project consistency with the Tulare County General Plan with regard to the primary goals and objectives of the proposed plan.

**Response:** The County agrees with this comment.

**Subject 3:** Summary of Caltrans' mission and comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities.

**Comment 1:** *“According to the Caltrans 2014 Transportation Concept Report (TCR), the communities of Cutler/Orosi are located within segment 10 of SR 63. Segment 10 of SR 63 within the Project area is currently a 4-lane conventional freeway and remains the same for the Ultimate Transportation Concept beyond 2035.”*

**Response:** The County appreciates this clarification. The Traffic Impact Study (TIS) indicates (on pages 1 and 11) that, “State Route (SR) 63 is the principle state highway serving the Cutler-Orosi Community. SR 63 primarily exists as an undivided four-lane road without bike lanes throughout Cutler-Orosi Community.” The DEIR cites to the TIS on pages 3.13-3 and 3-17-26. This clarification will be included in the errata section of the Final EIR.

**Comment 2:** *“Alternative transportation policies should be applied to land use development within Cutler-Orosi community plan area. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in the Cutler-Orosi community. The assessment should include the following:*

- a. Pedestrian walkways should link to transit facilities, as well as other walkways or trails within the Cutler-Orosi community.*
- b. Consider coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.*
- c. Transit services should be extended within the Cutler-Orosi community.”*

**Response:** The Community Plan Update includes the Complete Streets program for the community. As indicated in the Draft EIR, the Complete Streets Program is one of the three components of the project. “The Cutler-Orosi Complete Streets Program was approved by the Board of Supervisors on December 30, 2016, for inclusion in the Circulation Element of this Community Plan Update. The Cutler-Orosi Complete Streets Program has thoroughly analyzed the alternative forms of transportation, including transit, bicycle ways, and pedestrian circulation. The Complete Streets Program also contemplates use of alternative transportation and facilities for all users from the elderly to children and will be useful in proposing Safe Routes to School and other Public Benefit Projects in the Community.”<sup>1</sup> The Complete Streets Program can be found within the circulation element of the Draft Community Plan Update, which was included in the Draft EIR as Appendix “G”. Furthermore, the County will evaluate future development projects within the Urban Development Boundary on a project-by-project basis and will incorporate alternative transportation measures as applicable and/or feasible.

**Comment 3:** *“Caltrans acknowledges that Tulare County is currently working to install bus stops along SR 63 within the Cutler-Orosi community.”*

**Response:** The County appreciates Caltrans’ acknowledgement of County efforts to improve the transit system within the community.

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<sup>1</sup> Tulare County. Cutler-Orosi Draft Environmental Impact Report. Pages ES-7 and ES-10

**Comment 4:** *“Caltrans does not have any current improvement projects along SR 63 in the Cutler-Orosi community, at this time.”*

**Response:** Comment noted; no further response necessary.

**Comment 5:** *“Caltrans is working with Cutler/Orosi Joint Union School District and Tulare County regarding potential intersection improvements at SR 63/Avenue 419 intersection.”*

**Response:** The County appreciates Caltrans’ inter-agency cooperation regarding public safety improvement projects such as the SR 63/Avenue 419 project.

**Comment 6:** *“Caltrans recommends implementing “smart growth” principles for development in the Cutler-Orosi community regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.”*

**Response:** The Community Plan Update includes goals and policies, including many smart growth principles, to direct the future growth within the community. The County will evaluate future projects on a project-by-project basis and will implement smart growth principles as applicable and/or feasible.

**Comment 7:** *“Active Transportation Plans and Smart Growth efforts support the state’s 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and Green House Gas (GHG) emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.”*

**Response:** As noted in the Draft EIR, “Furthermore, implementation of the Complete Streets and Road Maintenance Programs will further reduce GHG emissions by providing a safer, more walkable community, thereby reducing VMT within the communities.”<sup>2</sup> “In August of 2020, Tulare County prepared SB 743 Guidelines and established a significance threshold for Community Plan Updates and other types of projects. The applicable significance threshold for Community Plan Updates is VMT/capita in the horizon year that exceeds VMT/capita for existing conditions. The analysis described in Chapter 5 [in the TIS] concludes that the project will not exceed this threshold.”<sup>3</sup> Also, there are no development proposals as part of project. The County will evaluate future development projects on a project-by-project basis for compliance with the County’s SB743 policy.

**Comment 8:** *“Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20,2020 and effective as of July 1, 2020, Caltrans seeks to reduce single*

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<sup>2</sup> Ibid. 3.8-19

<sup>3</sup> Op. Cit. 3.17-48

*occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the County of Tulare work with land use developers to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes within the Cutler-Orosi community."*

**Response:** See response to Comment 7.

**Comment 9:** *"Caltrans recommends land use projects should incorporate charging stations for electric vehicles as part of the statewide efforts to reduce greenhouse gas emissions."*

**Response:** There are no development proposals as part of project. The County will evaluate future development projects on a project-by-project basis for compliance with the County's SB743 policy and will implement electric charging stations as applicable and/or feasible.

The project will be heard before the Tulare County Planning Commission on December 8, 2021 for recommendation to the Tulare County Board of Supervisors for certification of the Final EIR and approval of the project. The Final EIR will be available beginning November 24, 2021 at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/cutler-orosi-community-plan-2021-update/>.

In closing, we sincerely appreciate Caltrans' comments which will be useful toward ensuring that the proposed Project complies with Caltrans' requirements/standards and with the California Environmental Quality Act.

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

Very Best Regards,



Hector Guerra, Chief  
Environmental Planning Division

Attachment: Caltrans comment letter dated November 5, 2021

Cc: File

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-1041 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



November 5, 2021

06-TUL-63-GEN  
DEIR NOA  
2021 UPDATE  
CUTLER/OROSI COMMUNITY PLAN  
SCH # 2021040258  
GTS #: [22588](#)

### **SENT VIA EMAIL**

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

Dear Mr. Guerra:

Thank you for the opportunity to review the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the 2021 Update to the Cutler/Orosi Community Plan (Project). The 2 adjacent unincorporated communities of Cutler and Orosi are about 1/2 mile apart. The communities are located in northern Tulare County approximately 15 miles east of State Route (SR) 99 and approximately 15 miles north of Visalia. The Project Study Area Boundary is generally south of Avenue 424, east of Road 116, west of Road 134, and north of Avenue 400. Both unincorporated communities of Cutler and Orosi are located directly along and utilize State Route (SR) 63.

The proposed 2021 Cutler-Orosi Community Plan amends the 1988 Cutler-Orosi Community Plan and implements the 2012 Tulare County General Plan in regards to Land Use, Transportation and Circulation Elements by incorporating the County's General Plan land use designations, circulation functional classifications, and development policies into the 2021 Cutler-Orosi Community Plan.

The proposed 2021 Cutler-Orosi Community Plan states consistency with the Tulare County General Plan 2030 Update and will include the following primary goals and objectives:

- Land Use and Environmental Planning - Promote development within planning areas next to the Regional SR 63 Corridor,

- Improvements for this “Disadvantaged Community” with faster project processing and thereby increasing the potential for housing grant awards,
- Strengthen the Relationship with Tulare County Association of Governments (TCAG) to help facilitate funding and implementation of key transportation programs, such as Safe Routes to Schools, Complete Streets, and Bike/Pedestrian Projects.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. According to the Caltrans 2014 Transportation Concept Report (TCR), the communities of Cutler/Orosi are located within segment 10 of SR 63. Segment 10 of SR 63 within the Project area is currently a 4-lane conventional freeway and remains the same for the Ultimate Transportation Concept beyond 2035.
2. Alternative transportation policies should be applied to land use development within Cutler-Orosi community plan area. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in the Cutler-Orosi community. The assessment should include the following:
  - a. Pedestrian walkways should link to transit facilities, as well as other walkways or trails within the Cutler-Orosi community.
  - b. Consider coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.
  - c. Transit services should be extended within the Cutler-Orosi community.
3. Caltrans acknowledges that Tulare County is currently working to install bus stops along SR 63 within the Cutler-Orosi community.
4. Caltrans does not have any current improvement projects along SR 63 in the Cutler-Orosi community, at this time.
5. Caltrans is working with Cutler/Orosi Joint Union School District and Tulare County regarding potential intersection improvements at SR 63/Avenue 419 intersection.

6. Caltrans recommends implementing “smart growth” principles for development in the Cutler-Orosi community regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
7. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and Green House Gas (GHG) emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
8. Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the County of Tulare work with land use developers to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes within the Cutler-Orosi community.
9. Caltrans recommends land use projects should incorporate charging stations for electric vehicles as part of the statewide efforts to reduce greenhouse gas emissions.

If you have any other questions, please call me at (559) 981-1041.

Sincerely,



DAVID DEEL  
Associate Transportation Planner  
Transportation Planning – South

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**(CHAPTER 8 OF THE FEIR)**

# Mitigation Monitoring and Reporting Program Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 20210402587) prepared for the project by the County of Tulare.

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

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

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<sup>1</sup> California Public Resource Code §21081.6. Accessed September 2021 at:  
[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=21081.6](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=21081.6)

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Agricultural Lands and Forestry							
3.2-1	<p>Prior to the start of construction of any project within an “FMMP area” of the Project area, as applicable, the Applicant shall demonstrate compliance with the Tulare County Agricultural Conservation Easement Program (ACEP). The Applicant shall implement one (1) of the five (5) options below:</p> <p>Option 1 (Mitigation Fees): Applicant(s) may submit in-lieu mitigation fees to Tulare County for the purpose of procuring agricultural lands for farmland conservation easement(s). These fees will be used by Tulare County to purchase farmland easement(s) at a minimum ratio of one to one (1:1) or its functional equivalent to the loss of define agricultural lands, on behalf of the Applicant. These easements must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The easement shall protect the designated farmland in perpetuity.</p> <p>Option 2 (On-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The on-site land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, within the boundaries of the project site/property. The easement(s) must be of substantially the same quality, have or could acquire access</p>	Prior to a project’s initiation	Issuance of building permit	County of Tulare (RMA)			

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Table 8-1 - Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>to water, and could otherwise be feasibly cultivated. The easement shall protect the designated farmland in perpetuity.</p> <p>Option 3 (Off-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, unless otherwise agreed upon by all parties involved, including the Applicant(s), Tulare County, and/or selling Land Owner(s). The easement(s) must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The easement(s) shall protect the designated farmland in perpetuity.</p> <p>Option 4 (Combined On- and Off-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, unless otherwise agreed upon by all parties involved, including the</p>						

Draft Environmental Impact Report  
Draft Cutler-Orosi Community Plan 2021 Update  
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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>Applicant(s), Tulare County, and/or selling Land Owner(s). The easement(s) must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The easement(s) shall protect the designated farmland in perpetuity.</p> <p>Option 5 (Planned Development Overlay): The Applicant(s) can enter into a Planned Development Agreement with Tulare County to establish a Planned Development Overlay for the project area. This agreement will include conditions that require all future developments to undergo a Site Plan Review, which will include mandatory mitigation, including farmland easements, for the conversion of agricultural lands.</p>						
3.2-2	<p>Prior to the start of construction of any project within an "FMMP area" of the Project, as applicable, the Applicant shall demonstrate compliance with the Tulare County Agricultural Conservation Easement Program (ACEP). The Applicant shall enter into a Farmland Conservation Easement Agreement with Tulare County pursuant to the provisions and administrative protocols of the ACEP. If the Farmland Conservation Easement Agreement is approved by the Board of Supervisors, these properties shall be protected in perpetuity.</p>	Prior to a project's initiation	Issuance of building permit	County of Tulare (RMA)			
<b>Biological Resources</b>							
<b><i>Construction-related Impacts to Sanford's Arrowhead</i></b>							
3.4-1.a	<p><b><i>(Preconstruction Surveys).</i></b> Prior to construction activities in the planning area's canals and ditches, a qualified biologist will conduct a preconstruction survey for the</p>	Prior to a project's initiation	Issuance of building permit	County of Tulare Planning and Public Works			

Draft Environmental Impact Report  
Draft Cutler-Orosi Community Plan 2021 Update  
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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	Sanford's arrowhead during the May-October blooming period for this species.			(RMA); California Department of Fish and Wildlife (CDFW)			
3.4-1.b	<b>(Avoidance).</b> If a Sanford's arrowhead population is identified within the construction zone, it will be avoided by a minimum distance of 50 feet if possible. The avoidance area will be identified on the ground with construction fencing, brightly-colored flagging, or other easily visible means.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-1.c	<b>(Salvage).</b> If it is not possible to avoid populations of Sanford's arrowhead identified within construction zones, a qualified biologist will remove all individual plants to be impacted and relocate them to a suitable portion of the waterway that is nearby but will not be impacted.	Prior to a project's initiation	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Construction-Related Mortality of the Western Pond Turtle.</b> Prior to the construction of any projects within the PPSA, the following measures adapted from the U.S. Fish and Wildlife Service 2011 <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> will be implemented.							
3.4-2	<b>(Pre-construction Surveys).</b> Preconstruction surveys for western pond turtles must be conducted within 24 hours prior to the start of construction activities in inundated canals, ditches, and basins in the planning area. These surveys will encompass all aquatic habitat and surrounding uplands within 100 feet that are proposed for impact. Any turtles that are discovered during the preconstruction surveys will be relocated to similar habitat outside of the impact area.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Project-related Impacts to Swainson's Hawk</b>							
3.4-3.a	<b>(Temporal Avoidance).</b> In order to avoid impacts to nesting Swainson's hawks, construction activities in the rural zone	Prior to and during construction	Issuance of building permit	County of Tulare RMA and CDFW			

Draft Environmental Impact Report  
Draft Cutler-Orosi Community Plan 2021 Update  
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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	will occur, where possible, outside the nesting season, typically defined as March 1-September 15.						
3.4-3.b	<b>(Preconstruction Surveys).</b> If construction activities in the rural zone must occur between March 1 and September 15, a qualified biologist will conduct preconstruction nest surveys for Swainson's hawks on and within ½ mile of the work area within 30 days prior to the start of construction. The survey will consist of inspecting all accessible, suitable trees of the survey area for the presence of nests and hawks.	Prior to and during construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-3.c	<b>(Avoidance of Active Nests).</b> Should any active Swainson's hawk nests be discovered within the survey area, the observation will be submitted to the CNDDDB, and an appropriate disturbance-free buffer will be established around the nest based on local conditions and agency guidelines. Disturbance-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-3.d	<b>(Compensatory Mitigation).</b> Projects in the rural zone that will remove agricultural fields or grassland within ½ mile of a documented Swainson's hawk nest (based on concurrent Mitigation Measure 3.3.3b surveys, if applicable, and/or on a CNDDDB query) will provide compensatory mitigation at a 1:1 ratio for the loss of potential Swainson's hawk foraging habitat. Compensatory mitigation will entail one of the following options: (1) acquiring suitable replacement habitat in the vicinity, to be preserved in perpetuity under conservation easement and managed according to the provisions of a long-term management plan, (2) purchasing credits at a CDFW-approved Swainson's hawk conservation bank, or (3) a different mitigation scheme developed in	During construction	Issuance of building permit	County of Tulare RMA and CDFW			

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	consultation with CDFW, possibly including a combination of options 1 and 2.						
<b><i>Project-Related Mortality of Burrowing Owl</i></b>							
<b><i>3.4-4.a</i></b>	<b><i>(Pre-construction Surveys).</i></b> A pre-construction “take avoidance” survey for burrowing owls will be conducted by a qualified biologist within 30 prior to the start of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey area will include all suitable habitat on and within 200 meters of the construction zone, where accessible.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b><i>3.4-4.b</i></b>	<b><i>(Avoidance of Active Nests).</i></b> If construction activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near the construction zone, a 200-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b><i>3.4-4.c</i></b>	<b><i>(Avoidance or Passive Relocation of Resident Owls).</i></b> During the non-breeding season (September 1-January 31), resident owls occupying burrows in the construction zone may either be avoided, or passively relocated to alternative habitat. If the project applicant chooses to avoid active owl burrows within the construction zone during the non-breeding season, a 50-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			

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					Initials	Date	Remarks
	with temporary fencing and will remain in place until a qualified biologist determines that the burrows are no longer active. If the project applicant chooses to passively relocate owls during the non-breeding season, this activity will be conducted in accordance with a relocation plan prepared by a qualified biologist.						
3.4-4.d	<b>(Compensatory Mitigation).</b> The project applicant will provide compensatory mitigation, at a 1:1 ratio, for all potential burrowing owl habitat removed within 600 meters of active burrowing owl burrows, as identified during the preconstruction surveys provided for in Mitigation Measure 3.3.4b. Potential burrowing owl habitat in the planning area generally includes agricultural fields (suitable for foraging), ruderal habitat (suitable for nesting), and non-native grassland habitat (suitable for nesting or foraging). Compensatory mitigation will entail one of the following options: (1) acquiring suitable replacement habitat in the project vicinity, to be preserved in perpetuity under conservation easement and managed according to the provisions of a long-term management plan, (2) purchasing credits at a CDFW-approved burrowing owl conservation bank, or (3) a different mitigation scheme developed in consultation with CDFW, possibly including a combination of options 1 and 2	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			
<b>Construction-Related Mortality of Nesting Raptors and Migratory Birds (Including Tricolored Blackbird, Loggerhead Shrike, and White-tailed Kite )</b>							
3.4-5.a	<b>(Avoidance).</b> In order to avoid impacts to nesting raptors and migratory birds, individual projects within the planning area will be constructed, where possible, outside the nesting season, or between September 1 <sup>st</sup> and January 31 <sup>st</sup> .	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-5.b	<b>(Preconstruction Surveys).</b> If construction must occur between February 1-August 31, a qualified biologist will conduct preconstruction surveys for active migratory bird	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>nests within 14 days prior to the start of work. For projects within the urban zone, the survey area will encompass the work area and accessible surrounding lands within 100 feet. For projects within the rural zone, the survey area will encompass the work area and accessible surrounding lands within 300 feet.</p>						
<b>3.4-5.c</b>	<p><b>(Establish Buffers).</b> Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged</p>	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			
<b>Construction-Related Mortality of Roosting Bats</b>							
<b>3.4-6.a</b>	<p><b>(Temporal Avoidance).</b> To avoid potential impacts to maternity bat roosts, removal of buildings, bridges, and large trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.</p>	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>3.4-6.b</b>	<p><b>(Preconstruction Surveys).</b> If removal of buildings, bridges, or large trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.</p>	Prior to initiation of construction	Issuance of building permit	County of RMA and CDFW			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
3.4-6.c	<b>(Minimization).</b> If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-6.d	<b>(Avoidance of Maternity Roosts).</b> If a maternity colony is detected during preconstruction surveys, the biologist will identify a suitable disturbance-free buffer around the colony. The buffer will remain in place until the biologist determines that the nursery is no longer active.	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			
<b>Project-Related Impacts to Riparian Habitat</b>							
3.4-7.a	<b>(Tree Survey).</b> Prior to project construction, a qualified biologist will survey all areas of riparian vegetation to be impacted, and will record the species, location, and diameter at breast height (DBH) of each native tree. Upon project completion, a qualified biologist will survey the site to determine if any surveyed trees were removed.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-7.b	<b>(Revegetation).</b> The project applicant will provide compensation for removal of any native riparian trees. Replacement plantings will be installed at a ratio of 3:1 for trees with a DBH between 4 and 24 inches, and at a ratio of 10:1 for trees with a DBH greater than 24 inches. A revegetation plan will be prepared for the project that will prescribe methods for planting, irrigating, and maintaining the replacement trees and identify the success criteria for the revegetation effort.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Cultural Resources</b>							
3.5-1	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	Prior to issuance of grading permits	Retention of professional paleontologist/ ongoing monitoring/	County of Tulare RMA			

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**Table 8-1 - Mitigation Monitoring Reporting Program**

Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	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.	Ongoing monitoring during subsurface excavation	submittal of Report of Findings, if applicable				
<b>3.5-2</b>	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			
<b>3.5-3</b>	Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if	Prior to issuance of	Retention of professional	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>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:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> <li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li> <li>b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> <li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li> <li>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</li> <li>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</li> </ol> </li> </ol> </li> <li>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods</li> </ol>	<p>grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	<p>paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable</p>				

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						
<b>Geology and Soils</b>							
<b>3.7-1</b>	<p>The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.</p>	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Hydrology & Water Quality							
3.10-1	Install water meters and adopt a use-weighted rate schedule to encourage reduced usage by the rate-payers.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-2	Retrofit homes with water-efficient faucets, showers and toilets.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-3	Limit permissible landscape area for each residence to 2,500 square feet or less.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-4	Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources).	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-5	Mandate use of native and drought-tolerant species for all landscaping.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-6	Acquire a new surface water supply that could be shown to benefit the basin and offset the pumping that comes with growth	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-7	An elevation certificate and associated flood hazard mitigation measures is required on all proposed buildings with the FEMA Zone AE.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
3.10-8	All new construction of buildings with a shaded Zone AE shall have finished floor levels elevated one (1) foot above the adjacent natural ground.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-9	An elevation certificate and associated flood hazard mitigation measures will be required on all proposed buildings within the special flood hazard area. The finished floor elevations of all structures shall be elevated to at least the established base flood elevation resulting from the flood hazard study.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>Noise</b>							
3.13-1	Project specific noise evaluation shall be conducted, and appropriate mitigation identified and implemented.	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation.	Issuance of building permit.	County of Tulare RMA			
3.13-2	Employ land use planning measures, such as zoning, restrictions on development, site design, and use of buffers to ensure that future development is compatible with adjacent transportation facilities and other noise generating land uses.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.13-3	To the extent feasible and practicable, maximize the distance between noise-sensitive land uses and new roadway lanes, roadways, rail lines, transit centers, park-and-ride lots, and other future noise generating facilities.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.13-4	Construct sound reducing barriers between noise sources and noise-sensitive land uses. Sound barriers can be in the form of earth-berms or soundwalls. Constructing roadways, as	Prior to issuance of	Issuance of building permit.	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	appropriate and feasible, that are depressed below-grade of the existing sensitive land uses creates an effective barrier between the roadway and sensitive receptors.	grading permits.					
3.13-5	To the extent feasible and practicable, improve the acoustical insulation of dwelling units where setbacks and sound barriers do not sufficiently reduce noise.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.13-6	To the extent feasible and practicable, speed limits and limits on hours of operation of rail and transit systems, where such limits may reduce noise impacts.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.13-7	Passenger stations, central maintenance facilities, decentralized maintenance facilities, and electric substations should be located away from sensitive receptors.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.13-8	The hours of future construction on the Project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday or weekends (if allowed by the County) where residential uses are within 200 feet of where the activity is taking place. If residential uses are beyond 300 feet limited work hours are not required.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>Tribal Cultural Resources</b>							
3.18-1	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	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	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.						
<b>3.18-2</b>	<p>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:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> <li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li> <li>b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> <li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li> <li>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</li> <li>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for</li> </ol> </li> </ol> </li> </ol>	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>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</p> <p>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.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>						

**ERRATA AND CORRECTIONS**  
**MADE IN THE DRAFT EIR**

# **Errata and Corrections Made to the Draft EIR**

## **TYPOGRAPHICAL, GRAMMATICAL, AND FORMATTING REVISIONS**

Corrections of typographical and grammatical errors and to general formatting (such as use of underlines, bold and italic fonts, tab settings, footnote styles, etc.) have been made throughout the document and are not identified with ~~strikeout~~ or underline text.

## **REVISIONS TO THE TABLE OF CONTENTS**

Conversion of documents to the newest version of the program software, and the Revisions and Clarifications identified below resulted in changes to the location of the following items as identified in the updated Table of Contents.

### **Chapter 2 - Project Description, Setting, & Objectives**

Surrounding Land Use – changed from “page 2.7” to “page 2.6”

Regulatory Setting – changed from “page 2.20” to “page 2.19”

Project Objectives – changed from “page 2.20” to “page 2.19”

References – changed from “page 2.25” to “page 2.24”

### **Chapter 6 - Economic, Social, & Growth Inducing Effects**

Growth Impacts – changed from “page 6-22” to “page 6.21”

Conclusion – changed from “page 6-25” to “page 6-24”

Acronyms – was added as page 6-25

### **Chapter 7 - Unmitigable Impacts**

Project Benefit Statements – changed from “page 7-4” to “page 7-3”

Definitions and Acronyms – was added as page 7-15

## **Figures**

Figure 2-4 – changed from “page 2-8” to “page 2-7”

Figure 2-5 – changed from “page 2-9” to “page 2-8”

Figure 6-1: Top 10 Occupations in California – was added as “page 6-8”

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**Tables**

- Table 3.3-2 – changed from “page 3.3-7” to “page 3.3-8”
- Table 3.8-1 – changed from “page 3.8-4” to “page 3.8-3”
- Table 3.8-3 – changed from “page 3.8-17” to “page 3.8-18” and the name updated to “Construction-Related GHG Emissions (mitigated)” to reflect the name used in Chapter 3.8.
- Table 3.8-4 – the name was updated to “Operations-Related GHG Emissions (metric tons per year)” to reflect the name used in Chapter 3.8.
- Table 3.8-5 – changed from “page 3.8-20” to “page 3.8-21” and the name updated to “CEQA Project Requirements for Consistency with CAP” to reflect the name used in Chapter 3.8.
- Table 3.8-6 – changed from “page 3.8-20” to “page 3.8-21” and the name updated to “CAP Consistency Checklist” to reflect the name used in Chapter 3.8.
- Tables 3.8-7 to 3.8-9 – deleted as they were a remnant of the template used in the preparation of the Draft EIR and were not included Chapter 3.8.
- Table 3.13-3 – changed from “page 3.13-7” to “page 3.13-6”
- Table 3.13-4 – changed from “page 3.13-7” to “page 3.13-6”
- Table 3.13-5 – changed from “page 3.13-8” to “page 3.13-7”
- Table 3.13-6 – changed from “page 3.13-22” to “page 3.13-21”
- Table 3.14-12 – changed from “page 3.14-13” to “page 3.14-12”
- Table 3.16-3 – changed from “page 3.16-9” to “page 3.16-8”
- Table 4-1 – changed from “page 4-5” to “page 4-4”
- Table 5-1 – changed from “page 5-8” to “page 5-7”
- Table 6-13 – changed from “page 6-23” to “page 6-22”

**REVISIONS AND CLARIFICATIONS MADE TO THE DRAFT EIR**

Revisions and clarifications are included as Errata pages within this document and are indicated by ~~strikeout~~ text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. These corrections are summarized in the list below. It is important to note that page numbers in the “track changes” version may not correspond to the page numbers of the Final EIR due to the extra space needed for the tracking.

1. **Executive Summary, Table ES-1, Page ES-21:** Mitigation measures were identified in Chapters 3.2 Agricultural Lands and Forestry, 3.4 Biological Resources, 3.5 Cultural Resources, 3.7 Geology and Soils, 3.10 Hydrology & Water Quality, 3.13 Noise, and 3.18 Tribal Cultural Resources of the Draft EIR. However, the Mitigation Monitoring and Reporting Program (MMRP) table was inadvertently incomplete. Table 8.1 (Table ES-1 in the Executive

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Summary) has been corrected to include the following: all the measures included in Chapters 3.1 through 3.21; monitoring and compliance actions for each measure; and correction to measure numbers as needed. See Item 41 below for all applicable changes.

2. **Executive Summary, Project Description, Page ES-2:** The subitems under Item 1 of the Project Description have been updated to reflect the correct enumeration (i.e., a through e rather than b through f).
3. **Executive Summary, Project Benefit #5, Page ES-10:** The five elements identified under Project Specific Elements have been updated to clearly reflect the five benefits. Specifically, Complete Streets is identified as element “c)”, Residential and Commercial Projects is identified as element “d)”, and Preferred Alternative/Environmentally Superior Alternative is identified as element “e)”.
4. **Chapter 1 Introduction, Page 1-3:** The last sentence of the first paragraph was modified as follows:

“The proposed 2021 Cutler-Orosi Community Plan Update is consistent with the General Plan 2030 Update.

5. **Chapter 1 Introduction, Page 1-14:** The last sentence of the second paragraph was modified as follows:

The NOP was available for viewing ~~viewing~~ at:  
<https://tularecounty.ca.gov/rma/index.cfm/planning-building/environmental-planning/environmental-impact-reports/cutler-orosi-community-plan-2021-update/>.

6. **Chapter 2 Project Description, Page 2-5:** The first sentence in the first paragraph has been modified as follows:

In December ~~2016~~2014, the Tulare County Board of Supervisors (BOS) approved the Planning Branch proposal to update the Cutler-Orosi Community Plan.

7. **Chapter 3.1 Aesthetics, Page 3.1-1:** The introductory statement made in the Summary of Findings discussion has been reconciled with the Checklist Impact discussions to indicate **No Impact** as follows:

The proposed Cutler-Orosi Community Plan Update (Project, Community Plan Update, Plan Update, or Update) will result in a ~~Less Than Significant~~ **No Impact** to Aesthetics through the Year 2030 Planning horizon.

8. **Chapter 3.2 Agricultural Land and Forestry Resources, Page 3.2-13:** The Project Impact Analysis statement for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

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

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9. **Chapter 3.2 Agricultural Land and Forestry Resources, Pages 3.2-15 and 16:** Each reference to Mitigation Measures “2-1” and “2-2” was changed to “3.2-2” and “3.2-3”, respectively, consistent with the naming convention for identified measures used in the Draft EIR.

10. **Chapter 3.4 Biological Resources, Page 3.4-33:** The conclusory statement for Checklist Item a) has been reconciled with the impact discussions as follows:

As noted earlier, ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation*** related to this Checklist item will occur through the Year 2030 Planning horizon.

11. **Chapter 3.4 Biological Resources, Page 3.4-37:** The conclusory statement for Checklist Item d) has been reconciled with the impact discussions as follows:

As noted earlier, ***~~No~~ Less Than Significant Project-specific and Cumulative Impacts*** related to this Checklist item will occur through the Year 2030 Planning horizon.

12. **Chapter 3.6 Energy, Page 3.6-12:** The Cumulative Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact** as follows:

Cumulative Impact Analysis:                      ***~~No~~ Less Than Significant Impact***

13. **Chapter 3.6 Energy, Page 3.6-13:** The discussion for the Conclusion under Checklist Item a) was inadvertently not included in the Draft EIR. The discussion has been added and reiterates that there are **No Project-specific Impacts** and **Less Than Significant Cumulative Impact** as follows:

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

As previously noted, there are no development proposals as part of the Update and there are **No Project-specific Impacts** to this resource. Future developments will be required to comply with local, regional, state, and federal policies and, as such, there will be a **Less Than Significant Cumulative Impact** through the Year 2030 Planning horizon to the Energy resource.

14. **Chapter 3.7 Geology and Soils, Page 3.7-18:** The Conclusion for Checklist Item d) has been reconciled with the impact discussions to indicate **No Impact** as follows:

Cumulative Impact Analysis:                      ***~~Less Than Significant~~ No Impact***

15. **Chapter 3.7 Geology and Soils, Pages 3.7-21 and 3.7-22:** Each reference to Mitigation Measure “7-1” was changed to “3.7-1” consistent with the naming convention for identified measures used in the Draft EIR.

16. **Chapter 3.8 Greenhouse Gas Emissions:** The table numbers throughout the chapter have been amended to reflect the naming convention used throughout the Draft EIR as follows:

**Page 3.8-3:** “Table 3.7-1” has been renamed to “Table 3.8-1”.

**Page 3.8-4:** “Table 3.7-2” has been renamed to “Table 3.8-2”.

**Page 3.8-18:** “Table 12” has been renamed to “Table 3.8-3” and “Table 13” has been renamed to “Table 3.8-4”. Also, the references to these table in the discussion have been updated to reflect these changes.

**Page 3.8-21:** “Table 14” has been renamed to “Table 3.8-5” and “Table 15” has been renamed to “Table 3.8-6”. Also, the references to these table in the discussion have been updated to reflect these changes.

17. **Chapter 3.8 Greenhouse Gas Emissions, Page 3.8-17:** The reference to Table 1 in the discussion for Checklist Item a) has been clarified as follows:

As indicated in **Table 1** [of the Technical Memorandum], anticipated future growth based on the County’s 1.3% annual growth rate is approximately 616 residential units, 385,000 sf of commercial space, 224,000 square feet of retail space, and 268,000 sf of industrial space.

18. **Chapter 3.9 Hazards & Hazardous Materials, Page 3.9-14:** The Cumulative Impact Analysis for Checklist Item b) has been reconciled with the impact discussions to indicate **No Impact** as follows:

Cumulative Impact Analysis:                    ~~Less Than Significant~~**No Impact**

19. **Chapter 3.9 Hazards & Hazardous Materials, Page 3.9-16:** The Cumulative Impact Analysis for Checklist Item d) has been reconciled with the impact discussions to indicate **No Impact** as follows:

Cumulative Impact Analysis:                    ~~Less Than Significant~~**No Impact**

20. **Chapter 3.10 Hydrology and Water Quality, Page 3.10-35:** The conclusory statement for the Project Impact Analysis of Checklist Item b) was reconciled to indicate Less Than Significant Impact as follows:

Therefore, the Project will result in a ~~No~~ **Less Than Significant Impact** to this resource through the Year 2030 Planning horizon.

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21. **Chapter 3.10 Hydrology and Water Quality, Page 3.10-36:** The conclusory statement for the Conclusion of Checklist Item b) was reconciled to indicate a **Less Than Significant Impact With Mitigation** as follows:

The proposed Project will result in ***Less Than Significant Project-specific and Less Than Significant Cumulative Impacts*** related to this Checklist Item through the Year 2030 Planning horizon ~~With implementation of Mitigation Measures 3.10-1 through 3.10-6 related to this Checklist Item through the Year 2030 Planning horizon.~~

22. **Chapter 3.13 Noise, Page 3.13-15:** The Project Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

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

23. **Chapter 3.13 Noise, Page 3.13-18:** The conclusory statement of the Project Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

Therefore, implementation of **Mitigation Measures 3.13-1 through 3.13-8** would result in a ***Less Than Significant Impact With Mitigation*** through the Year 2030 Planning horizon.

24. **Chapter 3.13 Noise, Page 3.13-18:** The Cumulative Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

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

25. **Chapter 3.13 Noise, Page 3.13-18:** The conclusory statement of the Cumulative Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

As future development occurs, **Mitigation Measures 3.13-1 through 3.13-8** can be implemented, as applicable. As such, a ***Less Than Significant Cumulative Impact With Mitigation*** would occur through the Year 2030 Planning horizon.

26. **Chapter 3.13 Noise, Page 3.13-20:** The Conclusion for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

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

As noted earlier, the analysis indicates that, ***Less Than Significant Project-specific and Cumulative Impacts*** would occur related to the Noise resource with implementation of Mitigation Measures 3.13-1 through 3.13-8.

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27. **Chapter 3.13 Noise, Page 3.13-20** The Project Impact Analysis for Checklist Item b) has been reconciled with the impact discussion to indicate **Less Than Significant Impact With Mitigation** as follows:

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

28. **Chapter 3.13 Noise, Page 3.13-22:** The Cumulative Impact Analysis for Checklist Item b) has been reconciled to indicate **Less Than Significant Impact With Mitigation** as follows:

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 Draft Cutler-Orosi Community Plan 2021 Update, Tulare County General Plan 2030 Update, Tulare County General Plan 2030 Update Background Report, and/or Tulare County General Plan 2030 Update EIR.

As noted earlier, as there are no development proposals as part of this Update, there will be no physical changes to the environment as the Update is an exercise of preparing a Community Plan that is consistent with the Tulare County General Plan 2030 Update, update of Zoning classifications, and update of the Zoning Map for the Cutler-Orosi Planning Area. The Urban Development Boundary (UDB) will also be expanded to accommodate projected growth and land use needs. **Mitigation Measure 3.13-1 through 3.13-8**, as applicable, should be implemented for all future land use development projects:

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

As noted earlier, the analysis indicates that ***Less Than Significant Project-specific and Cumulative Impacts*** would occur related to this resource through the Year 2030 Planning horizon **with implementation of Mitigation Measures 3.13-1 through 3.13-8**.

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

29. **Chapter 3.16 Recreation, Page 3.16-12:** The conclusory statement of the Cumulative Impact Analysis for Checklist Item a) has been reconciled with the impact discussion to indicate **Less Than Significant Impact** as follows:

Therefore, the proposed Project will result in ***Less Than Significant ~~Program~~Project-specific and Cumulative Impacts*** related to this Checklist Item will occur through the Year 2030 Planning horizon.

30. **Chapter 3.16 Recreation, Page 3.16-12:** The conclusory statement of the Conclusion for Checklist Item a) has been reconciled with the impact discussions to indicate **Less Than Significant Impact** as follows:

Therefore, ***Less Than Significant ~~Program~~Project-specific and Cumulative Impacts*** related to this Checklist Item will occur through the Year 2030 Planning horizon.

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31. **Chapter 3.16 Recreation, Page 3.16-13:** The conclusory statement of the Cumulative Impact Analysis for Checklist Item b) has been reconciled with the impact discussion to indicate **Less Than Significant Impact** as follows:

As such, *Less Than Significant ~~Program~~Project-specific and Cumulative Impacts* related to this Checklist Item will occur through the Year 2030 Planning horizon.

32. **Chapter 3.16 Recreation, Page 3.16-13:** The conclusory statement of the Conclusion for Checklist Item b) has been reconciled with the impact discussions to indicate **Less Than Significant Impact** as follows:

Compliance with applicable policies of the Tulare County General Plan and proposed Community Plan Update will reduce recreational impacts to *Less Than Significant ~~Program~~Project-specific and Cumulative Impacts* related to this Checklist Item will occur through the Year 2030 Planning horizon.

33. **Chapter 3.17 Transportation/Traffic, Page 3.17-26:** The first paragraph of the page begins with an incomplete sentence. The sentence has been modified to include the entire quote cited as follows:

State Route (SR) 63 is the principle state highway serving the Cutler-Orosi Community. SR 63 primarily exists as an undivided four-lane road without bike lanes throughout Cutler-Orosi Community.

34. **Chapter 3.17 Transportation/Traffic, Page 3.17-46:** The first sentence on the page makes a reference to the community of Goshen. The statement has been modified to correctly identify the communities included in the Project as follows:

Based on the above analysis, it can reasonably be determined that the Project (a planned approach to anticipated growth in ~~Goshen~~Cutler-Orosi over time) will ultimately result in the need to complete various improvements to the traffic network (i.e., circulation system) to efficiently and efficient move vehicles, persons, and goods within and through the community.

35. **Chapter 3.18 Tribal Cultural Resources, Page 3.18-10:** The Project Impact Analysis statement for Checklist Item a) has been reconciled with the impact discussions to indicate **Less Than Significant Impact With Mitigation** as follows:

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

36. **Chapter 3.18 Tribal Cultural Resources, Pages 3.18-11 through 3.18-12:** The conclusory(last) paragraph of the Project Impact Analysis has been reconciled with the discussions to indicate that the Project would have a Less Than Significant Impact With Mitigation as follows:

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As indicated in here and in Chapter 3.5 Cultural Resources, the proposed Plan Update will result in a less than significant impact within the Year 2030 Planning horizon. However, as development occurs, it is possible to encounter previously unknown cultural, historical, or archaeological resources. Based upon this uncertainty, implementation of Mitigation Measures 3.5-1 and 3.5-3, as well as Mitigation Measures 3.18-1 and 3.18-2, would reduce potential Project-specific impacts related to this Checklist Item to a level considered Less Than Significant With Mitigation through the Year 2030 planning horizon.

37. **Chapter 3.18, Tribal Cultural Resources, Pages 3.18-12 through 3.18-14:** Mitigation Measure “3.18-3” was changed to “3.18-2” consistent with the naming convention for identified measures used in the Draft EIR.

38. **Chapter 3.18, Tribal Cultural Resources, Page 3.18-13:** The conclusory paragraph for Checklist Item a) was inadvertently placed before the Conclusion. Also, the conclusion has been modified for clarification as follows:

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

~~Therefore, as~~ As noted earlier, in the unlikely event that Tribal Resource are discovered, implementation of **Mitigation Measures 3.18-1 and 3.18-32** would result in ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation*** through the Year 2030 Planning horizon.

39. **Chapter 4 Cumulative Impacts, Table 4-2, Page 4-14:** Mitigation measures were identified in Chapters 3.2 Agricultural Lands and Forestry, 3.4 Biological Resources, 3.5 Cultural Resources, 3.7 Geology and Soils, 3.10 Hydrology & Water Quality, 3.13 Noise, and 3.18 Tribal Cultural Resources of the Draft EIR. However, some checklist items that included mitigation measures were inadvertently not included in Table 4-2. Also, some of the Checklist Items listed have been amended to clearly identify the item. As such, Table 4-2 has been amended as follows:

<b>Table 4-2</b>		
<b>Checklist Items with Less than Significant Impacts with Mitigation</b>		
<b>Impact Section</b>	<b>Checklist Item #</b>	<b>Checklist Criteria</b>
<u>Agricultural Lands and Forestry Resources</u>	3.2 a)	<u>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?</u>
Biological Resources	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 or U.S. Fish and Wildlife Service?

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<b>Table 4-2</b>		
<b>Checklist Items with Less than Significant Impacts with Mitigation</b>		
<b>Impact Section</b>	<b>Checklist Item #</b>	<b>Checklist Criteria</b>
Biological Resources	3.4 c)	Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
Cultural Resources	3.5 a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
Cultural Resources	3.5 b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
Cultural Resources	3.5 c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Cultural Resources	3.5 d)	Disturb any human remains, including those interred outside of formal cemeteries?
<u>Geology and Soils</u>	<u>3.7 f)</u>	<u>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</u>
Hydrology & Water Quality	3.10 b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
Hydrology & Water Quality	3.10 c, iv)	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:?
Noise	3.13 a)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
Noise	3.13 b)	Generation of excessive groundborne vibration or groundborne noise levels?
Tribal Cultural Resources	3.17g 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	3.17g 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.

40. **Chapter 7, Project Benefit Statements, Page 7-3:** The five goals provided under Goal/Objective No. 1 have been updated to correctly reflect goals “a” through “e” rather than “b” through “f”.

41. **Chapter 8 Mitigation Monitoring and Reporting Program, Table 8-1, Page 8-2:** Mitigation measures were identified in Chapters 3.2 Agricultural Lands and Forestry, 3.4

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Biological Resources, 3.5 Cultural Resources, 3.7 Geology and Soils, 3.10 Hydrology & Water Quality, 3.13 Noise, and 3.18 Tribal Cultural Resources of the Draft EIR. However, the Mitigation Monitoring and Reporting Program (MMRP) table was inadvertently incomplete. Table 8.1 has been corrected to include the following: all the measures included in Chapters 3.1 through 3.21; monitoring and compliance actions for each measure; and correction to measure numbers as needed. See attached.

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Table 8-1 - Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
<b><u>Agricultural Lands and Forestry</u></b>						
<b>3.2-1</b> <u>Prior to the start of construction of any project within an “FMMP area” of the Project area, as applicable, the Applicant shall demonstrate compliance with the Tulare County Agricultural Conservation Easement Program (ACEP). The Applicant shall implement one (1) of the five (5) options below:</u>  <u>Option 1 (Mitigation Fees): Applicant(s) may submit in-lieu mitigation fees to Tulare County for the purpose of procuring agricultural lands for farmland conservation easement(s). These fees will be used by Tulare County to purchase farmland easement(s) at a minimum ratio of one to one (1:1) or its functional equivalent to the loss of define agricultural lands, on behalf of the Applicant. These easements must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The easement shall protect the designated farmland in perpetuity.</u>  <u>Option 2 (On-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The on-site land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, within the boundaries of the project site/property. The easement(s) must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The</u>	<u>Prior to a project’s initiation</u>	<u>Issuance of building permit</u>	<u>County of Tulare (RMA)</u>			

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p><u>easement shall protect the designated farmland in perpetuity.</u></p> <p><u>Option 3 (Off-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, unless otherwise agreed upon by all parties involved, including the Applicant(s), Tulare County, and/or selling Land Owner(s). The easement(s) must be of substantially the same quality, have or could acquire access to water, and could otherwise be feasibly cultivated. The easement(s) shall protect the designated farmland in perpetuity.</u></p> <p><u>Option 4 (Combined On- and Off-site Easements): Applicant(s) may enter into a Farmland Conservation Easement Agreement with Tulare County. The land placed under the easement(s) must be at a minimum of a one to one (1:1) ratio, with no less than its functional equivalent of the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or combination thereof, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The easement(s) shall be located in Tulare County, unless otherwise agreed upon by all parties involved, including the Applicant(s), Tulare County, and/or selling Land Owner(s). The easement(s) must be of substantially the same quality, have or could acquire access to water, and could otherwise</u></p>						

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p><u>be feasibly cultivated. The easement(s) shall protect the designated farmland in perpetuity.</u></p> <p><u>Option 5 (Planned Development Overlay): The Applicant(s) can enter into a Planned Development Agreement with Tulare County to establish a Planned Development Overlay for the project area. This agreement will include conditions that require all future developments to undergo a Site Plan Review, which will include mandatory mitigation, including farmland easements, for the conversion of agricultural lands.</u></p>						
<u>3.2-2</u>	<p><u>Prior to the start of construction of any project within an "FMMP area" of the Project, as applicable, the Applicant shall demonstrate compliance with the Tulare County Agricultural Conservation Easement Program (ACEP). The Applicant shall enter into a Farmland Conservation Easement Agreement with Tulare County pursuant to the provisions and administrative protocols of the ACEP. If the Farmland Conservation Easement Agreement is approved by the Board of Supervisors, these properties shall be protected in perpetuity.</u></p>	<u>Prior to a project's initiation</u>	<u>Issuance of building permit</u>	<u>County of Tulare (RMA)</u>			
<b>Chapter 3.4 Biological Resources</b>							
<b>Construction-related Impacts to Sanford's Arrowhead</b>							
<u>3.4-1.a</u>	<p><b>(Preconstruction Surveys).</b> Prior to construction activities in the planning area's canals and ditches, a qualified biologist will conduct a preconstruction survey for the Sanford's arrowhead during the May-October blooming period for this species.</p>	Prior to a project's initiation	Issuance of building permit	County of Tulare Planning and Public Works (RMA); California Department of Fish and			

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
				Wildlife (CDFW)			
3.4-1.b	<i>(Avoidance)</i> . If a Sanford's arrowhead population is identified within the construction zone, it will be avoided by a minimum distance of 50 feet if possible. The avoidance area will be identified on the ground with construction fencing, brightly-colored flagging, or other easily visible means.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-1.c	<i>(Salvage)</i> . If it is not possible to avoid populations of Sanford's arrowhead identified within construction zones, a qualified biologist will remove all individual plants to be impacted and relocate them to a suitable portion of the waterway that is nearby but will not be impacted.	Prior to a project's initiation	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Construction-Related Mortality of the Western Pond Turtle.</b> Prior to the construction of any projects within the PPSA, the following measures adapted from the U.S. Fish and Wildlife Service 2011 <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> will be implemented.							
3.4-2	<i>(Pre-construction Surveys)</i> . Preconstruction surveys for western pond turtles must be conducted within 24 hours prior to the start of construction activities in inundated canals, ditches, and basins in the planning area. These surveys will encompass all aquatic habitat and surrounding uplands within 100 feet that are proposed for impact. Any turtles that are discovered during the preconstruction surveys will be relocated to similar habitat outside of the impact area.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Project-related Impacts to Swainson's Hawk</b>							
3.4-3.a	<i>(Temporal Avoidance)</i> . In order to avoid impacts to nesting Swainson's hawks, construction activities in the rural zone will occur, where possible, outside the nesting season, typically defined as March 1-September 15.	Prior to and during construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-3.b	<i>(Preconstruction Surveys)</i> . If construction activities in the rural zone must occur between March 1 and September 15, a qualified biologist will conduct preconstruction nest surveys for Swainson's hawks on and within ½ mile of the work area within 30 days prior to the start of construction. The survey	Prior to and during construction	Issuance of building permit	County of Tulare RMA and CDFW			

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	will consist of inspecting all accessible, suitable trees of the survey area for the presence of nests and hawks.						
3.4-3.c	<b>(Avoidance of Active Nests).</b> Should any active Swainson's hawk nests be discovered within the survey area, the observation will be submitted to the CNDDDB, and an appropriate disturbance-free buffer will be established around the nest based on local conditions and agency guidelines. Disturbance-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until a qualified biologist has determined that the young have fledged and are capable of foraging independently.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-3.d	<b>(Compensatory Mitigation).</b> Projects in the rural zone that will remove agricultural fields or grassland within ½ mile of a documented Swainson's hawk nest (based on concurrent Mitigation Measure 3.3.3b surveys, if applicable, and/or on a CNDDDB query) will provide compensatory mitigation at a 1:1 ratio for the loss of potential Swainson's hawk foraging habitat. Compensatory mitigation will entail one of the following options: (1) acquiring suitable replacement habitat in the vicinity, to be preserved in perpetuity under conservation easement and managed according to the provisions of a long-term management plan, (2) purchasing credits at a CDFW-approved Swainson's hawk conservation bank, or (3) a different mitigation scheme developed in consultation with CDFW, possibly including a combination of options 1 and 2.	During construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Project-Related Mortality of Burrowing Owl</b>							
3.4-4.a	<b>(Pre-construction Surveys).</b> A pre-construction "take avoidance" survey for burrowing owls will be conducted by a qualified biologist within 30 prior to the start of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			

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Table 8-1 - Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	survey area will include all suitable habitat on and within 200 meters of the construction zone, where accessible.						
3.4-4.b	<b>(Avoidance of Active Nests).</b> If construction activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near the construction zone, a 200-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
3.4-4.c	<b>(Avoidance or Passive Relocation of Resident Owls).</b> During the non-breeding season (September 1-January 31), resident owls occupying burrows in the construction zone may either be avoided, or passively relocated to alternative habitat. If the project applicant chooses to avoid active owl burrows within the construction zone during the non-breeding season, a 50-meter disturbance-free buffer will be established around these burrows, or alternate avoidance measures implemented in consultation with CDFW. The buffers will be enclosed with temporary fencing and will remain in place until a qualified biologist determines that the burrows are no longer active. If the project applicant chooses to passively relocate owls during the non-breeding season, this activity will be conducted in accordance with a relocation plan prepared by a qualified biologist.	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			
3.4-4.d	<b>(Compensatory Mitigation).</b> The project applicant will provide compensatory mitigation, at a 1:1 ratio, for all potential burrowing owl habitat removed within 600 meters of active burrowing owl burrows, as identified during the	<u>Prior to initiation of construction</u>	<u>Issuance of building permit</u>	<u>County of Tulare and CDFW</u>			

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	preconstruction surveys provided for in Mitigation Measure 3.3.4b. Potential burrowing owl habitat in the planning area generally includes agricultural fields (suitable for foraging), ruderal habitat (suitable for nesting), and non-native grassland habitat (suitable for nesting or foraging). Compensatory mitigation will entail one of the following options: (1) acquiring suitable replacement habitat in the project vicinity, to be preserved in perpetuity under conservation easement and managed according to the provisions of a long-term management plan, (2) purchasing credits at a CDFW-approved burrowing owl conservation bank, or (3) a different mitigation scheme developed in consultation with CDFW, possibly including a combination of options 1 and 2						
<b><i>Construction-Related Mortality of Nesting Raptors and Migratory Birds (Including Tricolored Blackbird, Loggerhead Shrike, and White-tailed Kite )</i></b>							
<b>3.4-5.a</b>	<b><i>(Avoidance).</i></b> In order to avoid impacts to nesting raptors and migratory birds, individual projects within the planning area will be constructed, where possible, outside the nesting season, or between September 1 <sup>st</sup> and January 31 <sup>st</sup> .	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>3.4-5.b</b>	<b><i>(Preconstruction Surveys).</i></b> If construction must occur between February 1-August 31, a qualified biologist will conduct preconstruction surveys for active migratory bird nests within 14 days prior to the start of work. For projects within the urban zone, the survey area will encompass the work area and accessible surrounding lands within 100 feet. For projects within the rural zone, the survey area will encompass the work area and accessible surrounding lands within 300 feet.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>3.4-5.c</b>	<b><i>(Establish Buffers).</i></b> Should any active nests be discovered near proposed work areas, the biologist will determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily	<u>Prior to initiation of construction</u>	<u>Issuance of building permit</u>	<u>County of Tulare and CDFW</u>			

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	visible means, and will be maintained until the biologist has determined that the young have fledged						
<b><i>Construction-Related Mortality of Roosting Bats</i></b>							
<b>3.4-6.a</b>	<b>(Temporal Avoidance).</b> To avoid potential impacts to maternity bat roosts, removal of buildings, bridges, and large trees should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>3.4-6.b</b>	<b>(Preconstruction Surveys).</b> If removal of buildings, bridges, or large trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to their removal, a qualified biologist will survey them for the presence of bats. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.	Prior to initiation of construction	Issuance of building permit	County of RMA and CDFW			
<b>3.4-6.c</b>	<b>(Minimization).</b> If a non-breeding bat colony is detected during preconstruction surveys, the individuals will be humanely evicted under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>3.4-6.d</b>	<b>(Avoidance of Maternity Roosts),</b> If a maternity colony is detected during preconstruction surveys, the biologist will identify a suitable disturbance-free buffer around the colony. The buffer will remain in place until the biologist determines that the nursery is no longer active.	Prior to initiation of construction	Issuance of building permit	County of Tulare and CDFW			
<b><i>Project-Related Impacts to Riparian Habitat</i></b>							
<b>3.4-7.a</b>	<b>(Tree Survey).</b> Prior to project construction, a qualified biologist will survey all areas of riparian vegetation to be impacted, and will record the species, location, and diameter at breast height (DBH) of each native tree. Upon	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			

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	project completion, a qualified biologist will survey the site to determine if any surveyed trees were removed.						
3.4-7.b	<b>(Revegetation).</b> The project applicant will provide compensation for removal of any native riparian trees. Replacement plantings will be installed at a ratio of 3:1 for trees with a DBH between 4 and 24 inches, and at a ratio of 10:1 for trees with a DBH greater than 24 inches. A revegetation plan will be prepared for the project that will prescribe methods for planting, irrigating, and maintaining the replacement trees and identify the success criteria for the revegetation effort.	Prior to initiation of construction	Issuance of building permit	County of Tulare RMA and CDFW			
<b>Cultural Resources</b>							
3.5-1	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.	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			
3.5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires	Prior to issuance of grading permits	Retention of professional paleontologist/ ongoing monitoring/ submittal of	County of Tulare RMA			

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	further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.	Ongoing monitoring during subsurface excavation	Report of Findings, if applicable				
3.5-3	<p>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:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> <li>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</li> <li>b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> <li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li> </ol> </li> </ol> </li> </ol>	<p>Prior to issuance of grading permits</p> <p>Ongoing monitoring during subsurface excavation</p>	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			

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	<div>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.</div> <div>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</div> <div>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.</div> <div>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.</div> <div>b. The descendant fails to make a recommendation; or</div> <div>c. The landowner or his authorized representative rejects the recommendation of the descendent.</div>						
Geology and Soils							
3.7-1	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable				

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	<u>paleontologist shall notify the Tulare County Resource Management Agency and the Project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the Project.</u>						
<b>Hydrology &amp; Water Quality</b>							
<b>3.10-1</b>	Install water meters and adopt a use-weighted rate schedule to encourage reduced usage by the rate-payers.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>3.10-2</b>	Retrofit homes with water-efficient faucets, showers and toilets.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>3.10-3</b>	Limit permissible landscape area for each residence to 2,500 square feet or less.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>3.10-4</b>	Adopt limited outdoor watering days and hours (now in force statewide, as of August 1, 2014, by order of the Department of Water Resources).	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>3.10-5</b>	Mandate use of native and drought-tolerant species for all landscaping.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			

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3.10-6	Acquire a new surface water supply that could be shown to benefit the basin and offset the pumping that comes with growth	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-7	An elevation certificate and associated flood hazard mitigation measures is required on all proposed buildings with the FEMA Zone AE.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-8	All new construction of buildings with a shaded Zone AE shall have finished floor levels elevated one (1) foot above the adjacent natural ground.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
3.10-9	An elevation certificate and associated flood hazard mitigation measures will be required on all proposed buildings within the special flood hazard area. The finished floor elevations of all structures shall be elevated to at least the established base flood elevation resulting from the flood hazard study.	Prior to issuance of grading permits.	Issuance of building permit.	County of Tulare RMA			
<b>Noise</b>							
3.13-1	Project specific noise evaluation shall be conducted, and appropriate mitigation identified and implemented.	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation.	<u>Issuance of building permit.</u> <del>Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable.</del>	County of Tulare RMA			

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3.13-2	Employ land use planning measures, such as zoning, restrictions on development, site design, and use of buffers to ensure that future development is compatible with adjacent transportation facilities and other noise generating land uses.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-3	To the extent feasible and practicable, maximize the distance between noise-sensitive land uses and new roadway lanes, roadways, rail lines, transit centers, park-and-ride lots, and other future noise generating facilities.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-4	Construct sound reducing barriers between noise sources and noise-sensitive land uses. Sound barriers can be in the form of earth-berms or soundwalls. Constructing roadways, as appropriate and feasible, that are depressed below-grade of the existing sensitive land uses creates an effective barrier between the roadway and sensitive receptors.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-5	To the extent feasible and practicable, improve the acoustical insulation of dwelling units where setbacks and sound barriers do not sufficiently reduce noise.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-6	To the extent feasible and practicable, speed limits and limits on hours of operation of rail and transit systems, where such limits may reduce noise impacts.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-7	Passenger stations, central maintenance facilities, decentralized maintenance facilities, and electric substations should be located away from sensitive receptors.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			
3.13-8	The hours of future construction on the Project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday or weekends (if allowed by the County) where residential uses are within 200 feet of where the activity is taking place. If residential uses are beyond 300 feet limited work hours are not required.	<u>Prior to issuance of grading permits.</u>	<u>Issuance of building permit.</u>	<u>County of Tulare RMA</u>			

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					Initials	Date	Remarks
Tribal Cultural Resources							
3.18-1	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.	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			
3.18-32	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:	Prior to issuance of grading permits  Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare RMA			

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					Initials	Date	Remarks
	<div><div><div>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</div><div>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.</div><div>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</div></div><div><div>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.</div><div><div>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.</div><div>b. The descendant fails to make a recommendation; or</div><div>c. The landowner or his authorized representative rejects the recommendation of the descendent.</div></div></div></div> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>						