

COUNTY OF TULARE RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Traver Community Wastewater System Improvements Project

Final Environmental Impact Report
SCH No. 2017081024

December 2017

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

Traver Community Wastewater System Improvements Project Final Environmental Impact Report (SCH#2017081024)

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

- I. Responses to Comments (Chapter 10 of the FEIR)
- II. Mitigation Monitoring and Reporting Program (Chapter 8 of the FEIR)
- III. Errata (Corrections made to pages of the Draft EIR, including the correction version of the Executive Summary)
- IV. Findings of Fact
- V. Statement of Overriding Considerations

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 10

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Traver Community Wastewater System Project (Project) was made available for public review and comment for a period of 30 days starting on October 13, 2017 and ending November 13, 2017. The purpose of this document is to present public comments and responses to comments received on the Project's Environmental Impact Report (SCH # 2017081024).

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

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

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

REVISIONS OUTLINED IN THE RESPONSES TO COMMENTS

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

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Traver Community Wastewater System Project have been analyzed in a Draft Environmental Impact Report (DEIR, SCH# 2017081024) dated October 2017. Consistent with Section 15205 of the State CEQA Guidelines, the Draft EIR for the Traver Community

Wastewater System Project is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a minimum 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. Section 21091(e) of the Public Resources Code specifies a minimum 30-day shortened review period for an EIR. Pursuant to approval by the Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), the County of Tulare provided a shortened 30-day review period.

The Traver Community Wastewater System Project 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 Notice of Availability (NOA) for the Draft EIR was also published in the *Visalia Times Delta*, a newspaper of general circulation, on October 13, 2017, as required by CEQA.

During the shortened 30-day review period, the Draft EIR and the Feasibility Study were also made available at the following locations:

Tulare County Resource Management Agency 5961 South Mooney Boulevard Visalia, CA 93277 (559)624-7000	Monday – Thursday: 9:00 a.m. to 4:30 p.m.; Friday: 8:00 a.m. to 12:00 p.m.
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Visalia Branch Library 200 West Oak Avenue Visalia, CA 93291	Tuesday through Thursday: 09:00 a.m. – 8:00 p.m. Friday: 12:00 p.m. – 6:00 p.m. Saturday: 9:00 a.m. – 5:00 p.m.
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London Branch Library 5711 Avenue 378 Dinuba, CA 93618	Wednesday: 9:00 a.m. – 1:00 p.m., 2:00 pm – 5:00 p.m. Friday: 9:00 a.m. – 1:00 p.m., 2:00 p.m. – 5:00 p.m.
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In addition, the Draft EIR and the Feasibility Report was posted on the Tulare County website at: <http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/traver-community-wastewater-system-improvements/>.

RELEVANT CEQA SECTIONS (SUMMARY)

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

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&cont extData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&cont extData=(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 added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR; and
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project, the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body ...and that 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.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

Section 15092. Approval.

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless:
 - (1) The project as approved will not have a significant effect on the environment, or

- (2) The agency has
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093. Statement of Overriding Considerations.

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15095. Disposition of a Final EIR.

The lead agency shall:

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

Section 15151. Standards for Adequacy of an EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR

should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15364. Feasible.

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

Section 15384. Substantial Evidence.

"Substantial evidence"... means enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. 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 no comment letters (and an approval letter for the shortened comment period from OPR/SCH, see Attachment 1) on the Draft EIR during the designated comment period (between October 13, 2017 and November 13, 2017), and six (6) comment letters after the comment period ended (see Attachments 1 through 5). In addition, any correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter "1" is from the OPR/SCH, October 13, 2017.

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

Comments were received from or conversations occurred with the following individuals:

No oral or written comments were received other than those specified below:

Comments from Federal, State, or County Agencies:

- | | |
|-------------------------|--|
| <i>Comment Letter 1</i> | <i>State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), October 13, 2017 (See Attachment 1)</i> |
| <i>Comment Letter 2</i> | <i>State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), November 14, 2017 (See Attachment 1)</i> |
| <i>Comment Letter 3</i> | <i>State of California Department of Transportation (Caltrans), November 16, 2017 (See Attachment 2)</i> |
| <i>Comment Letter 4</i> | <i>San Joaquin Valley Unified Air Pollution Control District (Air District), November 16, 2017 (See Attachment 3)</i> |
| <i>Comment Letter 5</i> | <i>California Department of Fish and Wildlife (CDFW), received November 21, 2017 (See Attachment 4)</i> |
| <i>Comment Letter 6</i> | <i>State of California Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), November 22, 2017 (See Attachment 1)</i> |
| <i>Comment Letter 7</i> | <i>State Water Resources Control Board (SWRCB), received December 1, 2017 (See Attachment 5)</i> |

Comments from adjacent property owners:

No Comments were received.

Comments from those supporting or opposing the Project:

No Comments were received.

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

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), October 13, 2017

Comment Subject: Approval of request for shortened EIR review period.

Response: *No response is necessary as SCH staff approved the County's request for a shortened review period to begin on October 13, 2017 and end on November 13, 2017.*

Comment Letter 2 – Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), November 14, 2017

Comment Subject: The commenting period has ended and no State agencies submitted comments by the closing date of November 13, 2017.

Response: *No response is necessary as no comments were received.*

Comment Letter 3 – State of California Department of Transportation (Caltrans), November 16, 2017

Comment Subject: Caltrans provided an e-mail that it has no comments on the Project.

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

Comment Letter 4 – San Joaquin Valley Unified Air Pollution Control District (Air District), November 16, 2017

Comment Subject 1: The Project will not exceed criteria pollutant thresholds.

Response: *As the agency with the foremost authority regarding the air quality resource, RMA Staff appreciates the Air District's evaluation of Project-related impacts on air quality. The County agrees with the Air District's determination that the Project will not exceed the Air District's criteria pollutant thresholds.*

Comment Subject 2: The Project is subject to Air District Rule 9510 (Indirect Source Review).

Response: *The County would like to remind the Air District that the Project is not a construction project; it is merely a feasibility plan. If the State Water Resources Control Board (SWRCB) deems the Project feasible, the Project will undergo further environmental evaluation, including impacts on air quality, compliance with applicable air quality rules and regulations, and implementation of appropriate mitigation measures, if required. As such, the County will continue to work with the Air District to ensure that the Project, if feasible, complies with all applicable Air District requirements.*

Comment Subject 3: The Project may be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The Project may be subject to Rules 2010 (Permits Required) and 2201 (New and Modified Stationary Source Review) and will require District Permits; as such, an Authority to Construct (ATC) application should be submitted prior to start of construction. Other rules may also apply to the Project.

Response: *The County appreciates the Air District's notification that the Project is subject to Regulation VIII, Rule 4102, Rule 4641, and possibly other rules pertaining to Air District permitting requirements. The County will continue to work with the Air District to ensure that the Project (if the SWRCB deems the Project feasible) complies with all applicable Air District rules, regulations, and permitting requirements.*

Comment Subject 4: The Air District recommends that a copy of the District's comments be provided to the Project proponent.

Response: *As the applicant is the County of Tulare, the County is in receipt of the Air District's comments. As noted earlier, if the Project is determined to be feasible by the SWRCB, the County will continue to work with the Air District to ensure that the Project complies with all applicable Air District rules and regulations.*

Comment Letter 5 – California Department of Fish and Wildlife (CDFW), November 21, 2017

Comment Subject 1: The CDFW identifies their role in the CEQA process.

Response: *The County recognizes the CDFW as submitting comments as both a Trustee Agency and Responsible Agency under Fish and Game Code and Public Resources Code / CEQA Guidelines for CEQA purposes. As such, the County recognizes that unlisted species may also be considered by CDFW for CEQA purposes. Importantly, the County acknowledges that CDFW has jurisdiction over "birds," "fully protected species," and "water pollution," and that any "take" would require authorization by CDFW.*

Comment Subject 2: The CDFW provides the Project description, including the objective, location, and construction timeframe.

Response: *As the comment merely provides readers with the Project description and does not provide any comment on the adequacy of the EIR, no responses are needed.*

Comment Subject 3: The CDFW states that, although EIR recognizes that the Project has the potential to support and potentially impact special status species and includes mitigation measures to address these potential impacts, the CDFW still has concerns regarding potential impacts to San Joaquin kit fox, burrowing owl, Swainson's Hawk, birds, and bats.

Response: *The DEIR (in Section 3.4, Biological Resources), notes that there was the possibility of potentially significant impacts to valley elderberry longhorn beetle, San Joaquin kit fox, burrowing owl, nesting and migratory birds (including Swainson's Hawk), and roosting bats, within the Project area. Per the expert, qualified biologists Live Oak Associates, these potential impacts would be mitigated to less than significant impact through the implementation of Mitigation Measures 3.4-1 through 3.4-5. These Mitigation Measures include pre-construction surveys, pre-construction employee education programs, avoidance, minimization, construction monitoring, buffer areas, passive relocation, mortality reporting, and compensation. However, the CDFW has concerns regarding the adequacy of these measure. These concerns are addressed in the following responses to comment and in the Final EIR and MMRP as recommended by the CDFW.*

Comment Subject 4: Potentially significant impacts to local populations of San Joaquin kit fox (SJKF) include inadvertent entrapment of SJKF and disturbance of den site occupied by SJKF resulting in den abandonment, reduced reproductive success, reduce health of the young, and individual mortality. The presence/absence of SJKF in any year is not a reliable indicator of the potential to occur on site. The CDFW offers recommendations for Mitigation Measure 3.4-2a and inclusion of a provision for "take".

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to SJKF and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SJKF occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-2a will be modified to include a minimum survey radius in accordance with the USFWS "Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) as follows:

3.4-2a (Pre-construction Surveys). *Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project-related activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.*

Pursuant to CDFW recommendations, Mitigation Measure 3.4-2b will be modified to include no-disturbance buffer areas and provision for Incidental Take Permit as follows:

3.4-2b (Avoidance). *Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. ~~and~~ The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.*

Comment Subject 5: The Project area provides potentially suitable burrow and foraging habitat, and the Project has potential to significantly affect local burrowing owl (BUOW) populations, including nest abandonment, reduced nesting success, reduced health and vigor of eggs/youth, and direct mortality. Pre-construction surveys within 30 days of onset of Project-related activities may not be sufficient to detect BUOW occupancy. The CDFW offers recommendations for Mitigation Measures 3.4-3a through 3.4-3c.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to BUOW and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring a pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of BUOW occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-3a will be modified to include the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993) as follows:

3.4-3a (Pre-construction Surveys). *A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993), within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-3b will be modified to include no-disturbance buffers minimum as outlined in CDFW's "Staff Report of Burrowing Owl Mitigation" (2012) as follows:

3.4-3b (Avoidance of Active Nests). *If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl nests, or alternate avoidance*

measures implemented in consultation with CDFW and in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012) to employ the following:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug 15	200 m	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

The buffer areas 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.

CDFW recommends that, if necessary, burrow exclusion be conducted by qualified biologist and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty. Mitigation Measure already includes this recommendation, “During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist.” However, pursuant to CDFW recommendation, Mitigation Measure 3.4-3c will be modified to include the requirement for qualified biologists and ongoing surveillance as follows:

3.4-3c (Passive Relocation of Resident Owls). *During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas and replacing them with artificial burrows at a ratio of 1:1 if deemed necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.*

Comment Subject 6: As suitable nesting trees are a limiting factor for SWHA, loss or removal of trees in proximity to foraging habitat, even outside of the nesting season, has a potentially significant impact on the local Swainson’s hawk (SWHA) population, including nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and young. The CDFW offers recommendations for Mitigation Measures 3.4-4b and 3.4-4c inclusion of a provision for “take”.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to SWHA and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SWHA occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-4b will be modified to include surveys in accordance with the Swainson's Hawk Technical Advisory Committee "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (2000) as follows:

3.4-4b (Pre-construction Surveys). *A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (2000) which employs the following:*

<u>Survey Period</u>	<u>Survey Dates</u>	<u>Survey Time</u>	<u>Number of Surveys Needed</u>
<u>I</u>	<u>January – March 20</u>	<u>All day</u>	<u>1</u>
<u>II</u>	<u>March 20 – April 5</u>	<u>Sunrise – 1000; 1600 to Sunset</u>	<u>3</u>
<u>III</u>	<u>April 5 – April 20</u>	<u>Sunrise – 1200; 1630 – Sunset</u>	<u>3</u>
<u>IV</u>	<u>April 21 – June 10</u>	<u>Monitoring sites only</u>	<u>Initiating surveys is not recommended</u>
<u>V</u>	<u>June 10 – July 30</u>	<u>Sunrise – 1200; 1600 – Sunset</u>	<u>3</u>

If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within ~~30~~10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

The CDFW recommends a ½ mile no-disturbance buffer area in the event that SWHA occurs in the Project area. Given the Project's specific design layout a ½ mile no-disturbance distance may not be practical. The County will consult with the CDFW to determine whether avoidance measures (such as smaller buffer areas) are viable or whether the ½ mile buffer will be required. If SWHA occur in the Project area, to avoid disturbance of SWHA the County may opt to delay construction-related activities such that they do not occur during the normal breeding period (that is, February 1 - September 15). Pursuant to CDFW recommendation, Mitigation Measure 3.4-4c

will be modified to include the no-disturbance buffer area and provision for take authorization as follows:

3.4-4c (Establish Buffers). *Should any active nests be discovered near proposed work areas, the biologist, in consultation with CDFW, will determine appropriate construction setback distances and a behavioral baseline of all identified nests based on applicable CDFW guidelines and/or the biology of the affected species. Within these buffers the qualified biologist will continue monitoring to detect behavioral changes, and if changes occur that the work causing changes will cease and CDFW will be consulted for additional avoidance and minimization measures, including initiation of the take authorization/permit process if required. 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. In no case is the buffer to be less than 250 feet around active nests of non-listed bird species and not less than 500 feet around active nests of non-listed raptor species and ½ mile for SWHA, until the birds have “fledged,” unless a variance is approved by CDFW.*

Comment Subject 7: The CDFW offers recommendations that Mitigation Measure 3.4-2c cite implementation of the measure as outlined in the USFWS “*Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance*” (2011).

Response: *Pursuant to CDFW recommendation, Mitigation Measure 3.4-2c will be modified to include a citation to the USFWS “Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011) as follows:*

3.4-2c (Minimization). *In accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011), Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.*

Comment Subject 8: The CDFW has jurisdiction over actions which could potentially result in disturbance or destruction of active nest sites or unauthorized take of birds. The CDFW offers recommendations for 3.4-4b and 3.4-4c

Response: *The County appreciates the CDFW’s assistance in identifying potential impacts to nesting birds and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SWHA occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. Recommendations for Mitigation*

Measures 3.4-4b and 3.4-4c have previously been addressed (See responses above for Mitigation Measures for SWHA).

Comment Subject 9: The CDFW has jurisdiction over actions which could potentially result in unauthorized take of non-game animals, including bats. CDFW offers recommendations to minimize disturbance of bats and requests notification/consultation prior to any disturbance.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to non-listed and special status bat species and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of bat occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. Pursuant to CDFW recommendation, Mitigation Measure 3.4-5c will be modified to include consultation with CDFW as follows:*

3.4-5c (Minimization). *If a non-breeding bat colony is detected during pre-construction surveys, a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction. ~~‡~~The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.*

The CDFW recommended a minimum 50-foot no-disturbance buffer during Project activity or postponement of the Project until repeat surveying documents bats are no longer roosting. The Mitigation Measure 3.4-5d includes the requirement for a buffer area. However, pursuant to CDFW recommendation, Mitigation Measure 3.4-5d will be modified to as follows:

3.4-5d (Avoidance of Maternity Roosts). *If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 to 100 feet as determined appropriate by the qualified biologist in consultation with the CDFW.*

Comment Subject 10: The MMRP assigns “Governing Entity” as the agency responsible for ensuring that Mitigation Measures are implemented. It is the Project Proponent and Lead Agency’s responsibility to ensure these measures are feasible, measureable, implemented, and enforced.

Response: *The “Governing Entity” was a place holder in the Draft MMRP and was inadvertently not edited to reflect the County’s responsibility for monitoring and compliance. As such, the “Governing Entity” and “Governing Entity established for operating the Wastewater System Services” have been changed to “Tulare County RMA” or “County of Tulare” to clearly indicate that the County is responsible for monitoring compliance with the mitigation measures.*

These changes have been incorporated into the MMRP presented in Table ES-1 (Chapter 1, Executive Summary) and Table 8-1 (Chapter 8, Mitigation Monitoring and Reporting Program).

Comment Subject 11: The CDFW recommends consultation with the USFWS well in advance of any ground-disturbing activities.

Response: *The County routed the Notice of Preparation and the Notice of Availability for the Project to the USFWS for review. To date, the County has not received any comments from the USFWS. Mitigation Measures 3.4-2a, 3.4-3a, 3.4-4b, and 3.4-5b require that pre-construction surveys be conducted. As such, the County will notify and consult with the USFWS if pre-construction surveys identify species of federal concern.*

Comment Subject 12: The letter requests that special status species and natural communities detected during Project surveys be reported to the California Natural Diversity Database (CNDDDB) and links to the CNDDDB are provided.

Response: *In the event that any special status species or any natural communities are detected during pre-construction surveys or during Project-related construction activities, the County will report such surveys to the CNDDDB as requested by the CDFW.*

Comment Subject 13: CDFW filing fees are payable upon filing of the Notice of Determination (NOD) in order for the Project approval to be operative, vested, and final.

Response: *The County is aware of and will pay applicable NOD fees at the time of filing with the County Clerk.*

Comment Subject 14: The CDFW appreciates the opportunity to comment on the Project, and provided a link to the CDFW protocol website as well as contact information for continued coordination.

Response: *The County appreciates the CDFW's review of the Project, the evaluation of and recommendations for mitigation measures, and the provision of contact information and useful web links. The County looks forward to continued cooperation with the CDFW for this and other future projects.*

Comment Letter 6 – Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), November 22, 2017

Comment Subject: Comments were received after the comment period; the County is encouraged to consider these comments prior to taking final action on the Project.

Response: *No response is necessary. The County has considered the late comments provided by OPR and has provided responses to the Commenter (see Comment Letter 5 above).*

Comment Letter 7 – State Water Resources Control Board (SWRCB), December 1, 2017

Comment Subject 1: The Water Board requests consistency in the Project description between the CEQA document and the Project Report (Plan of Study).

Response: *The State Water Board does not identify the implied inconsistencies between the Plan of Study and the DEIR. The Project description in the Plan of Study is fundamentally the same as that in the DEIR. The minor differences between the two are that the Plan of Study states that new WDR permits will be required (page 2-1), that all of the existing and future sewage collection system will consist of gravity mains (page 3-1), and improvement to the headworks will include a 12-inch gravity main on Merritt Drive; (page 3-1); while the DEIR states that the existing WDR permits will likely require modifications, all of the existing and future sewage collection system will consist of either gravity mains or force mains, and that the headworks will include a 12-inch gravity main or equivalent on Merritt Drive (page ES-2, and 2-2 thru 2-3).*

The Project description in the EIR was intended to include the alternative discussed on page 3-3 of the Plan of Study which states, “As an alternative to the proposed all-gravity sewage collection system, a lift station and force main option was considered. For this option, the lift station would be located east of the railroad on the north side of Merritt Drive and discharge to a new gravity main on Merritt Drive...” As the alternative to be implemented has not been determined and the Project has not yet received funding, it is appropriate to include both alternatives for the collection system in the Project description and subsequent environmental analysis.

Comment Subject 2: The Water Board requests consideration of impacts on biological resources along the pipeline alignment - Merritt Drive, Road 44, Burkner Drive and Old State Highway 99 and clarification as to whether a reconnaissance survey was conducted along the pipeline alignment.

Response: *An on-site reconnaissance survey was not performed specifically for this Project. However, the Biological Evaluation included in Appendix C of the EIR was conducted for the Traver Community Plan Update and included mitigation measures applicable to development projects within the whole of the community. As discussed in Chapter 3.4 of the DEIR, in addition to the Biological Evaluation, the County assessed potential impacts on biological resources specific to the Project area; specifically, the County conducted a CNDDB search of the 9-quadrant area surrounding the Project site. Furthermore, the County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities to ensure appropriate actions are taken to protect sensitive species if such species are encountered.*

Comment Subject 3: The Water Board requests clarification as to whether jurisdictional water bodies are located within the Project footprint.

Response: *The Project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR).*

Comment Subject 4: The Water Board requests that federal requirements are met, including: (A) Project alternatives; (B) public meetings/hearings; (C) the Federal Clean Air Act; (D) the Coastal

Zone Management Act; (E) jurisdictional wetlands; (F) Farmland Protection Policy Act; (G) Migratory Bird Treaty Act; (H) Flood Plain Management Act; and (I) Wild and Scenic Rivers Act.

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

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

- A. Chapter 5 of the DEIR contains an Alternatives discussion as required by CEQA Guidelines section 15326.*
- B. A public hearing by the Tulare County Board of Supervisors is scheduled for December 19, 2017.*
- C. The Project complies with the Federal Clean Air Act. Chapter 3.3 of the DEIR discusses the air resource. The San Joaquin Valley Unified Air Pollution Control District (Air District) was consulted and has provided comments (see Final EIR) regarding the Project. In summary, the Air District concluded that the Project would not result in any threshold exceedances.*
- D. The Project is approximately 150 miles east of any coastal zone.*
- E. The Project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR).*
- F. The Project will be constructed within existing rights-of-way; as such, no farmlands of any classification will be impacted (see Chapter 3.2 of the DEIR).*
- G. The Project will be constructed within existing rights-of-way; as such, no critical habitat that can be used by migratory birds will be impacted (see Chapter 3.4 of the DEIR).*
- H. The FEMA FIRM maps (numbers 06107C0605E and 06107C0615E) show that approximately half of the proposed sewer system collection pipelines would be located in Flood Zone A (100 Year Flood Zone – no base flood elevations determined). The remainder of the pipelines and the existing WWTP are located in Flood Zone X (outside floodplain). (See Chapter 3.9 of the DEIR). Exhibit 7 referenced in the footnote on page 3.9-28 of the DEIR is included for your reference.*
- I. The Kings River is located approximately 3.5 miles northwest of the Project site. However, the portion of Kings River that is designated a wild/scenic is located approximately 40 miles northeast of the Project site.*

PROJECT SUMMARY

The overall objective of the Project is to make improvements to the existing Traver community wastewater collection system and wastewater treatment plant (WWTP), as identified by the Traver Community Wastewater System Project Plan of Study and described in Chapter 2 – Project Description of the Draft EIR. Improvements to the wastewater collection system are needed to extend service to existing residences and businesses that are currently not being served, and to serve infill areas within the community that are expected to develop in the future consistent with the adopted Traver Community Plan 2014 Update. Improvements to the WWTP are needed to increase capacity and reliability to the system while increasing its efficiency and effectiveness so that the WWTP is better able to meet the needs of the community.

The existing sewage collection system consists of 6-inch and 8-inch polyvinyl chloride sewer mains that convey sewage by gravity to the existing WWTP located on the east side of Road 44 approximately ¼ mile south of Merritt Drive. Upon completion of the Project, all of the existing and future sewage collection system will consist of either gravity mains or force mains. A new lift station will be constructed at the WWTP headworks. The work will include a 12-inch gravity main or equivalent force main on Merritt Drive from Sixth Street (Old State Highway 99) to Road 44 and then south along Road 44 to the WWTP. The balance of collection system improvements will include an underground crossing at the railroad at or near Merritt Drive and main extensions from the 12-inch trunk line.

The existing WWTP is a pond system with a capacity of 88,000 gallons per day. The wastewater plant headworks consist of a lift station, a screen, and a grinder. The plant does not have a screen for removal of large debris and rags. Treatment is accomplished through facultative lagoons. The effluent is discharged to disposal to percolation/evaporation ponds. The proposed improvements to the WWTP add reliability to the system while increasing its efficiency and effectiveness. The improvements are also needed to expand capacity to accommodate existing un-sewered and future residential, industrial and commercial development accounted for in the adopted Traver Community Plan 2014 Update. In order to eliminate the septic systems currently serving the areas of Traver that the WWTP does not reach and to allow for anticipated future residential and commercial growth in the area, expansion of the WWTP would be accomplished using two 100,000 GPD capacity package treatment plants. Based on an assumed influent wastewater characterization, the effluent limits can be met with an activated sludge process with nitrification and denitrification capability. Once growth in the Community of Traver begins, an initial 100,000 GPD package plant could be installed to handle the additional flows. The trigger for the design and installation of the first package plant would be when the average daily flow from Traver exceeds 70,400 GPD (80% of 88,000 GPD) for an entire quarter period of 3 months. A second 100,000 GPD package plant would be installed as growth continues and the average daily flows continue to increase. Planning for the second package plant would likely be triggered when the average daily flow reaches 80,000 GPD or 80% of the design capacity of the first package treatment plant.

LOCAL REGULATORY CONTEXT

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

SCOPE AND METHODOLOGY

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

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

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

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

CEQA Guidelines Section 15002(f) specifies that, "[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

¹ CEQA Guidelines Section 15002(a)

- (1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment...
- (2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR..."²

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

- "(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment."³

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

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

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;

² Ibid. Section 15002 (f).

³ Op. Cit., Section 15021.

- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093."⁴ (See Chapter 7)

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

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

CONSIDERATION OF SIGNIFICANT IMPACTS

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

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

⁴ Op. Cit. Section 15002(h).

⁵ Op. Cit. Section 15126.2(a).

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- "(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
- (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
 - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
 - (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
 - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
- (3) Mitigation measures are not required for effects which are not found to be significant.
- (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
- (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
- (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination." ⁶

⁶ Op. Cit. Section 15126.4.

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 Draft 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

Includes the Environmental Analysis in response to each Checklist Item contained in Appendix G of the CEQA Guidelines. 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 is reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria is 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 shortened 30-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 Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on August 10, 2017, for a 30-day comment period ending September 11, 2017. Tulare County RMA received four (4) comments on the NOP. A copy of the NOP is included in Appendix “E” of the Draft EIR.

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

A scoping meeting was noticed in the Notice of Preparation and submitted to the OPR/SCH and sent to Responsible and Trustee agencies. The scoping meeting was held on August 31, 2017. Other than Tulare County RMA staff, no one attended the Scoping meeting. Appendix “E” of the Draft EIR contains a copy of the NOP process including: the NOP submitted to the State Clearinghouse, and comments received on the NOP. As no one attended the Scoping meeting, no oral or other comments were received

Section 15093 of the 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.

⁷ CEQA Guidelines, Section 15103

As noted in CEQA Guidelines Section 15105, a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days, unless a shortened review period is granted by the OPR/SCH. Consistent with CEQA Guidelines Section 15087, the Draft EIR was circulated publicly for an OPR/SCH-approved shortened comment beginning on October 13, 2017. Following completion of the shortened 30-day public review period ending on November 13, 2017, staff prepared responses to comments and a Final EIR has been completed. The Final EIR was then forwarded to the County of Tulare Board of Supervisors (Board) for certification and adoption of the Final EIR for the Traver Community Wastewater System Project. Following the Board's approval, a Notice of Determination will then be filed with the County Tulare County Clerk and forwarded to the OPR/SCH.

ORGANIZATIONS CONSULTED

Appendix "E" of the Draft EIR contains the Notice of Preparation, which includes a listing all of the agencies receiving the NOP. The following tables identify the recipients of both the NOP and the Notice of Availability.

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

NOTICE OF PREPARATION – TRAVER WASTEWATER SYSTEM											
AGENCY / ENTITY	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD				
	Hard Copy			CD			Hand Delivered / Interoffice Mail	E-mail	FedEx	Certified US Mail	Return Receipt Date
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form						
AVAILABILITY OF PUBLIC VIEWING											
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/Traver Community Wastewater System Improvements/											
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X								
STATE CLEARINGHOUSE – 15 COPIES (agencies marked with an “X” in the NOC)	1	1	15			8/10/17			X		
• Air Resources Board											
• Caltrans District #6											
• Central Valley Flood Protection Board											
• Department of Conservation											
• Department of Fish and Wildlife Region #4											
• Department of Toxic Substances Control											
• Department of Water Resources											
• Native American Heritage Commission											
• Office of Historic Preservation											
• Public Utilities Commission											
• Regional Water Quality Control Board District #5											
• Resources Agency											
• State Water Resources Control Board – Clean Water Grants											
• State Water Resources Control Board – Water Quality											
FEDERAL AGENCIES											
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			X			8/10/17				X	8/15/17

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

NOTICE OF PREPARATION – TRAVER WASTEWATER SYSTEM											
AGENCY / ENTITY	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD				
	Hard Copy			CD			Hand Delivered / Interoffice Mail	E-mail	FedEx	Certified US Mail	Return Receipt Date
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form						
STATE & REGIONAL AGENCIES											
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726			X			8/10/17				X	Per USPS, in transit to destination as of 8/15/17
Southern California Edison Attn: Calvin Rossi 2425 S. Blackstone Tulare, CA 93274			X			8/10/17				X	8/14/17
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			X			8/10/17				X	8/14/17
LOCAL AGENCIES											
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			X			8/10/17	X Interoffice				
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			X			8/10/17	X Interoffice				
Tulare County Fire Warden 907 W. Visalia Road Farmersville, CA 93223			X			8/10/17	X Interoffice				
Tulare County Sheriff Headquarters 2404 W. Burrel Ave. Visalia, CA 93291			X			8/10/17	X Interoffice				

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

NOTICE OF PREPARATION – TRAVER WASTEWATER SYSTEM											
AGENCY / ENTITY	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD				
	Hard Copy			CD			Hand Delivered / Interoffice Mail	E-mail	FedEx	Certified US Mail	Return Receipt Date
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form						
Tulare County Health and Human Services Agency Environmental Health Department 5957 S. Mooney Blvd. Visalia, CA 93277			X			8/10/17	X Interoffice				
Tulare County Resource Management Agency Tulare County Flood Control Tulare County Fire Economic Development and Planning Public Works			X			8/10/17 8/10/17 --- 8/10/17	X X --- X				
MILITARY											
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X			8/10/17				X	Per USPS, in transit to destination as of 8/13/17
TRIBES											
Kern Valley Indian Council Robert Robinson, Chairperson P.O. Box 401 Weldon, CA 93283	X		X			8/23/17				X	8/25/17
Kern Valley Indian Council Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240	X		X			8/23/17				X	8/25/17
Kitanemuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA, 93305	X		X			8/10/17				X	Per USPS Returned to sender 9/14/17

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

NOTICE OF PREPARATION – TRAVER WASTEWATER SYSTEM											
AGENCY / ENTITY	DOCUMENTS SENT					DATE SENT	DELIVERY METHOD				
	Hard Copy			CD			Hand Delivered / Interoffice Mail	E-mail	FedEx	Certified US Mail	Return Receipt Date
	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form						
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X		X			8/10/17				X	8/14/17
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Hector Franco, Director P. O. Box 8 Lemoore, CA 93245	X		X			8/10/17				X	8/14/17
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X		X			8/10/17				X	8/14/17
Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA, 93626	X		X			8/10/17				X	8/14/17
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274	X		X			8/10/17				X	8/14/17
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240	X		X			8/23/17				X	9-8-17

Response to Comments
Final Environmental Impact Report SCH#2017081024
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	Cover Letter	NOC	NOP	NOP	Electronic Submittal Form						
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X		X			8/10/17				X	8/21/17
Tule River Indian Tribe Joseph Garfield, Council Member P. O. Box 589 Porterville, CA 93258	X		X			8/10/17				X	8/21/17
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X		X			8/10/17				X	8/21/17
Tule River Indian Tribe Felix Christman, Tribal Archaeological Monitor P. O. Box 589 Porterville, CA 93258	X		X			8/10/17				X	8/21/17
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X		X			8/10/17				X	8/14/17
Other Interested Parties											
Union Pacific Railroad 3135 N. Weber Ave. Fresno, CA 93705			X			8/10/17				X	Per USPS Returned to sender 9/12/17
Union Pacific Railroad Wire/Pipeline/Rights of Entry Attn: Jason Murray jmmurray@up.com			X			8/11/17		X			

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

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	Hard Copy					CD		Hand Delivered/ Interoffice Mail	E-mail	FedEx	US Mail
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	NOA / DEIR					
AVAILABILITY OF PUBLIC VIEWING											
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/traver-community-wastewater-system-improvements/											
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X	X							
Visalia Branch Library 200 West Oak Avenue Visalia, CA 93291			X	X							
London Branch Library 5711 Avenue 378 Dinuba, CA 93618			X	X							
STATE CLEARINGHOUSE – 15 COPIES (agencies marked with an “X” in the NOC)	X	X		Executive Summary	X	X	10/12/17			X	
• Air Resources Board											
• Caltrans District #6											
• Central Valley Flood Protection Board											
• Department of Conservation											
• Department of Fish and Wildlife Region #4											
• Department of Toxic Substances Control											
• Department of Water Resources											
• Native American Heritage Commission											
• Office of Historic Preservation											
• Public Utilities Commission											
• Regional Water Quality Control Board District #5											
• Resources Agency											
• State Water Resources Control Board – Clean Water Grants											
• State Water Resources Control Board – Water Quality											
•											

Response to Comments
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	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	NOA / DEIR					
FEDERAL AGENCIES											
U.S. Fish and Wildlife Service 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825			X				10/12/17				X
STATE & REGIONAL AGENCIES											
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726			X				10/12/17				X
Southern California Edison Attn: Calvin Rossi 2425 S. Blackstone St. Tulare, CA 93274			X				10/12/17				X
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			X				10/12/17				X
LOCAL AGENCIES											
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			X				10/12/17				X
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			X				10/12/17				X
Tulare County Fire Warden 907 W. Visalia Road Farmersville, CA 93223			X				10/12/17				X

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

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	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	NOA / DEIR					
Tulare County Sheriff Headquarters 2404 W. Burrell Ave. Visalia, CA 93291			X				10/12/17				X
Tulare County Health and Human Services Agency Environmental Health Department 5957 S. Mooney Blvd. Visalia, CA 93277			X				10/12/17				X
Tulare County Resource Management Agency Tulare County Flood Control Tulare County Fire Economic Development and Planning Public Works			X X --- X				10/12/17 10/12/17 --- 10/12/17				X X --- X
MILITARY											
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X				10/12/17				X
TRIBES											
Kern Valley Indian Council Robert Robinson, Chairperson P.O. Box 401 Weldon, CA 93283	X		X				10/12/17				X
Kern Valley Indian Council Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240	X		X				10/12/17				X

Response to Comments
Final Environmental Impact Report SCH#2017081024
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Kitanemuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA, 93305	X		X				10/12/17				X
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245	X		X				10/12/17				X
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Hector Franco, Director P. O. Box 8 Lemoore, CA 93245	X		X				10/12/17				X
Santa Rosa Indian Community of the Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245	X		X				10/12/17				X
Table Mountain Rancheria Leanne Walker-Grant, Chairperson P.O. Box 410 Friant, CA, 93626	---		---				---				---
Torres Martinez Desert Cahuilla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274	X		X				10/12/17				X

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

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Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240	X		X				10/12/17				X
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258	X		X				10/12/17				X
Tule River Indian Tribe Joseph Garfield, Council Member P. O. Box 589 Porterville, CA 93258	X		X				10/12/17				X
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258	X		X				10/12/17				X
Tule River Indian Tribe Felix Christman, Tribal Archaeological Monitor P. O. Box 589 Porterville, CA 93258	X		X				10/12/17				X
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906	X		X				10/12/17				X
Other Interested Parties											
Union Pacific Railroad Attn: Renay J. Robison, Director – Real Estate 1400 Douglas Street, Stop 1690 Omaha, NB 68179-1690 rjrobison@up.com			X				10/12/17				X

Response to Comments
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

NOTICE OF AVAILABILITY – TRAVER WASTEWATER SYSTEM (SCH# 2017081024)											
AGENCY / ENTITY	DOCUMENTS SENT						DATE SENT	DELIVERY METHOD			
	Hard Copy					CD		Hand Delivered/ Interoffice Mail	E-mail	FedEx	US Mail
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	NOA / DEIR					
Union Pacific Railroad Wire/Pipeline/Rights of Entry Attn: Jason Murray jmmurray@up.com							10/12/17		NOA only		X

Attachment 1

Comments Received from OPR/SHC

October 13, 2017

November 14, 2017

November 22, 2017



EDMUND G. BROWN, JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

October 13, 2017

Tulare County
Resource Management
Agency

OCT 16 2017

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

RE: Traver Community Wastewater System Improvements

Hector Guerra:

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

The shortened review period for a Draft Environmental Impact Report (EIR) shall not be less than 30 days. The review process for the referenced project will start on **October 13, 2017** and end on **November 13, 2017**.

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

Sincerely,

Scott Morgan
State Clearinghouse Director

cc: file



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

November 14, 2017

Hector Guerra
Tulare County
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Tulare County
Resource Management
Agency

NOV 17 2017

Tulare County
Resource Management
Agency

NOV 17 2017

Subject: Traver Community Wastewater System Improvements
SCH#: 2017081024

Dear Hector Guerra:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 13, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017081024
Project Title Traver Community Wastewater System Improvements
Lead Agency Tulare County

Type EIR Draft EIR
Description Note: Shortened Review Per Lead

The proposed project will result in improvements to the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the wastewater collection system are needed to extend service to existing residences and businesses that are currently not being served, and to serve infill areas within the community that are expected to develop in the future consistent with the adopted Traver Community Plan. Improvements to the WWTP are needed to increase capacity and reliability to the system while increasing its efficiency and effectiveness so that the WWTP is better able to meet the needs of the community.

Lead Agency Contact

Name	Hector Guerra		
Agency	Tulare County		
Phone	559-624-7121	Fax	
email			
Address	5961 South Mooney Boulevard		
City	Visalia	State CA	Zip 93277-9394

Project Location

County	Tulare				
City					
Region					
Lat / Long	36° 27' 17.84" N / 119° 28' 28.15" W				
Cross Streets	Rd 44/Merritt Dr. and Old SR99/Merritt Dr				
Parcel No.	045-010-26 (WWTF) various				
Township	17S	Range	23E	Section	15,16
				Base	MDBE

Proximity to:

Highways	SR 99
Airports	
Railways	UPRR
Waterways	Traver Canal, McClanahan Ditch, Clough Ditch, Banks Ditch, King Ditch, Cross Creek Waterway
Schools	Traver ES
Land Use	LU: Community of Traver, including residential, commercial, and industrial properties Z: AE-40 (Exclusive Agriculture - 40 acre minimum); C-2 (General); C-3 (Service Commercial); M-1 (Light Manufacturing); R-A (Rural Residential); R-1 (Single Family Residential); R-2 (Two Family Residential) GPD: Valley Agriculture; Residential, Mixed Use, Light Industrial

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Tribal Cultural Resources; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Growth Inducing

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Conservation; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Drinking Water, District 10;

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

Document Details Report
State Clearinghouse Data Base

Regional Water Quality Control Bd., Region 5 (Fresno); Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission

<i>Date Received</i>	10/13/2017	<i>Start of Review</i>	10/13/2017	<i>End of Review</i>	11/13/2017
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EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

November 22, 2017

Tulare County
Resource Management
Agency

NOV 29 2017

Hector Guerra
Tulare County
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Subject: Traver Community Wastewater System Improvements
SCH#: 2017081024

Dear Hector Guerra:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on November 13, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2017081024) when contacting this office.

Sincerely,


Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency



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

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



late
11/13/17
E

November 21, 2017

Governor's Office of Planning & Research

NOV 22 2017

STATE CLEARINGHOUSE

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

Subject: Traver Community Wastewater System Project (Project)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2017081024

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from Tulare County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

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

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County

Objective: The Project seeks to improve the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the collection system are needed to increase capacity and reliability, to extend service to existing residences and businesses currently not being served, and to serve infill areas within the community that are expected to develop in the future. Improvements to the treatment plant are needed to increase capacity, reliability, efficiency, and effectiveness to better serve the community. Construction activities associated with improving the collection system will include trenching and installing pipeline. Construction activities associated with the treatment plant improvements include (1) improving the lift station; (2) constructing a new headworks; (3) installing two 50,000-60,000-million-gallon-per-day package plants, one standby generator, and groundwater monitoring wells; and (4) miscellaneous site work and building repairs.

Location: The unincorporated community of Traver, Tulare County, California (36.4541, -119.4846).

Timeframe: Construction planned to occur from August 2018 to August 2019, over a period of 120 working days.

COMMENTS AND RECOMMENDATIONS

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

The DEIR indicates that the Project area has the potential to support several special-status species. Therefore, the Project has the potential to significantly impact biological resources. CDFW recognizes that the DEIR outlines mitigation measures to reduce

impacts to biological resources. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding potential Project-related impacts to (1) the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), (2) the State species of special concern burrowing owl (*Athene cunicularia*), (3) the State threatened Swainson's hawk (*Buteo swainsoni*), (4) birds, and (5) bats. Concerns, comments, and recommendations regarding these biological resources are described below.

I. Mitigation Measure and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Mitigation Measure 3.4.2b

Issue: Mitigation Measure 3.4-2a describes focused preconstruction surveys for SJKF. This measure states that "if an active kit fox den is detected within or immediately adjacent to the area of work, the United States Fish and Wildlife Service (USFWS) and CDFW shall be contacted immediately to determine the best course of action." While CDFW agrees that SJKF detection warrants consultation, CDFW recommends describing the minimum radius around the Project area that preconstruction surveys will cover. In addition, Mitigation Measure 3.4-2b describes avoidance measures for SJKF. Specifically this measure states that if SJKF are found "during pre-construction surveys, the project will avoid the habitat occupied by the kit fox..." CDFW advises including specific, quantifiable, and enforceable avoidance measures within the DEIR. As currently written, this measure does not provide guidance regarding no-disturbance buffers surrounding occupied habitat and dens. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SJKF are found during preconstruction surveys or Project activities.

Specific impact: Without appropriate and enforceable mitigation measures, potentially significant impacts to SJKF occurring in the Project area include inadvertent entrapment of SJKF and disturbance of den sites occupied by SJKF. The impacts have the potential to result in den abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Although the DEIR describes the likelihood of SJKF occurring within the Project area as low, presence/absence in any one year is not necessarily a reliable indicator of SJKF potential to occur on a site. SJKF may be attracted to the Project area due to the type and level of ground-disturbing activities (i.e. trenching, etc.) and the loose, friable soils resulting from intensive ground disturbance associated with the Project. Furthermore, very little habitat suitable for SJKF remains in northern Tulare County (Cypher et al. 2013). As a result, impacts to SJKF associated with the Project have the potential to significantly impact local populations.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SJKF to less than significant, CDFW recommends changing Mitigation Measure 3.4-2b by incorporating the following changes.

Mitigation Measures 3.4-2b: SJKF Avoidance

In accordance with the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011), CDFW advises delineating no-disturbance buffers around occupied dens. Specifically, a minimum 50-foot no-disturbance buffer around potential and atypical (i.e. man-made) dens and a minimum 100-foot no-disturbance buffer around known den sites is advised.

Recommended Mitigation Measure 1: SJKF Take Authorization

If surveys find that SJKF are occupying the Project area and cannot be avoided, CDFW may issue an Incidental Take Permit authorizing take of SJKF, pursuant to Fish & Game Code § 2081(b). Take authorization is issued only when take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species. CDFW recommends adding provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SJKF occupy the Project area.

COMMENT 2: Burrowing Owl (BUOW)

Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c

Issue: Mitigation Measure No. 3.4-3a describes preconstruction surveys for BUOW "within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use." However, depending on the timing of construction activities, surveys conducted within 30 days of Project initiation may not be sufficient to detect BUOW occupancy. Also, as currently drafted, this measure only relates to heavy disturbance activities, although other less disruptive activities can also impact BUOW. In addition, Mitigation Measure No. 3.4-3b describes implementation of a 250-foot no-disturbance buffer around active owl nest burrows if construction activities occur during the breeding season, as defined in the DEIR as February 1–August 31. However, depending on the level of disturbance associated with Project activities, these buffers may not be sufficient in avoiding impacts to BUOW. Further, Mitigation Measure No. 3.4-3c describes passive relocation of BUOW found occupying the Project area. However, according to CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method and this measure does not describe how the impact of evicting owls would be mitigated to a less than significant level.

Specific impact: The DEIR includes passive relocation of BUOW as a mitigation measure. In addition, Project activities include ground disturbance in the form of trenching. Without appropriate avoidance and minimization measures for BUOW, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality.

Evidence impact is potentially significant: The Project area is within the range of BUOW and, as described in the DEIR prepared for the Project, it supports potentially suitable burrow and foraging habitat. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). BUOW rely on burrow habitat year round for their survival and reproduction. If BUOW are evicted from burrows without either artificial burrows in place to replace them or suitable adjacent natural habitat, the Project has the potential to significantly affect local BUOW populations. In addition, and as described in CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), passively relocating and excluding BUOW is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to BUOW to less than significant, CDFW recommends changing Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c by incorporating the following changes.

Mitigation Measure 3.4-3a: BUOW Preconstruction Surveys

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Mitigation Measure 3.4-3b: Avoidance of Active BUOW Nests

CDFW recommends no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Mitigation Measure 3.4-3c: Passive Relocation of Resident BUOW

If BUOW are found to occupy the Project area and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is

confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

COMMENT 3: Swainson's Hawk (SWHA)

Mitigation Measures 3.4-4b and 3.4-4c

Issue: Mitigation Measure 3.4-4b describes preconstruction surveys for nesting migratory birds and raptors, including SWHA, within 30 days of the onset of Project activities. However, dependent upon when construction is initiated, surveys for Swainson's hawk within this timeframe may not be sufficient to detect newly initiated nests. In addition, Mitigation Measure 3.4-4c describes that a biologist will determine appropriate no-disturbance buffers around active bird nests, but does not specify a minimum buffer size for SWHA. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SWHA are found during preconstruction surveys.

Specific impact: The DEIR describes the potential removal of mature trees during development. In addition, depending on the timing of construction, Project activities including noise, vibration, odors, and movement of workers or equipment could also affect nests and have the potential to result in nest abandonment. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with the Project include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity of the Project. In addition, review of aerial imagery indicates that the Project area includes agricultural fields planted in low-growing crops such as alfalfa and wheat, which may provide foraging habitat for SWHA. The Project area is surrounded by intensively managed agricultural land. Therefore, the presence of these two requisite habitat features increases the likelihood of occurrence of SWHA within the Project area. In the San Joaquin Valley, suitable nest trees may be a limiting factor for SWHA occupation and reproduction. As a result, loss of suitable nest trees, particularly in proximity to foraging habitat has the potential to significantly impact local SWHA

(CDFW 2016). In addition, CDFW considers removal of known raptor nest trees, even outside of the nesting season, a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SWHA to less than significant, CDFW recommends changing Mitigation Measures 3.4-4b and 3.4-4c by incorporating the following changes.

Mitigation Measure 3.4-4b: Preconstruction SWHA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. Specifically, CDFW recommends that surveys be completed for at least two survey periods immediately prior to the Project's initiation. SWHA TAC identifies survey periods as follows: (I) January to March 20, (II) March 20 to April 5, (III) April 5 to April 20, (IV) April 21 to June 10, and (V) June 10 to July 30. In addition, SWHA TAC identifies differing levels of survey effort depending on the survey period during which surveys take place. Specifically, one survey is recommended during survey period I, while three surveys are recommended during survey periods II, III, and V. SWHA TAC advises against initiating surveys during survey period IV and advises only monitoring known nest sites during this survey period. In addition, if ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Mitigation Measure 3.4-4c: SWHA Buffers

If an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 2: SWHA Take Authorization

If surveys find that nesting SWHA occur within ½-mile of the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, an Incidental Take Permit authorizing take of SWHA, pursuant to Fish & Game Code § 2081(b) is required prior to the start of ground or vegetation disturbing activities to comply with CESA. CDFW recommends adding

provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SWHA occupy the Project area.

II. Editorial Comments and/or Suggestions

Mitigation Measures

Mitigation Measure 3.4-2c: This measure describes implementing minimization measures (i.e. traffic restrictions, covering pipes, etc.) during construction to reduce impacts to SJKE. CDFW recommends that this measure cite implementation of measures outlined in the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011).

Mitigation Measures 3.4-4b through 3.4-4c for Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

The Project area likely provides nesting habitat for birds. CDFW encourages Project implementation occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

While Mitigation Measure 3.4-4b describes preconstruction surveys for nesting birds within 30 days of Project initiation, CDFW recommends that a qualified wildlife biologist conduct pre-construction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral

changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

Mitigation Measure 3.4-4c describes implementing construction-free buffers around active nests and that the size of these buffers will be determined by a biologist. However, CDFW recommends implementing a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Mitigation Measures 3.4-5c through 3.4-5d for Bats: CDFW has jurisdiction over actions with potential to result in take of non-game mammals, pursuant Fish and Game Code § 4150. The DEIR outlines potential for pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis californicus*), recognized as State species of special concern, to occur in the Project area. Mitigation Measures 3.4-5c through 3.4-5d describe eviction of non-breeding and maternity bat roosts and colonies if avoidance is not possible. However, CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during Project activity, or postponing Project activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends submission of a request for a reduced buffer or a Bat Eviction Plan to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

Table ES-1 Mitigation Monitoring and Reporting Program: The Mitigation Monitoring and Reporting Program (Table ES-1) included in the DEIR assigns monitoring responsibility to an unnamed "Governing Entity" in Mitigation Measures 3.4-2b-c, 3.4-3b-c, 3.4-4a and c, and 3.4-5a, c, and d of the Biological Resources section. CDFW recommends the entity responsible for monitoring compliance with these measures be specifically named. Please note that CDFW is only responsible for exercising regulatory authority as provided by the Fish and Game Code for issuance of permits (Fish & G. Code, § 1600 et seq., § 2081 et seq.) and enforcement actions related to take of

species protected under CESA (Fish & G. Code, § 2050 et seq.). Therefore, it is the responsibility of the Project and the Lead Agency to ensure that mitigation measures listed in the DEIR are feasible, measureable, and implemented and enforced.

Federally Listed Species

CDFW also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

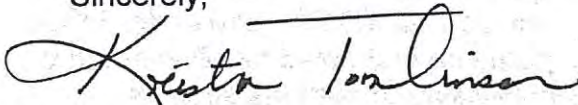
CONCLUSION

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

Hector Guerra, Chief Environmental Planner
Tulare County
November 21, 2017
Page 12

More information on survey and monitoring protocols for sensitive species can be found at the CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by email at Renee.Robison@wildlife.ca.gov.

Sincerely,



for Julie A. Vance
Regional Manager

cc: Timothy Ludwick
United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

REFERENCES

- CBOC, 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. March 7, 2012.
- CDFW, 2016. Status Review: Swainson's hawk (*Buteo swainsoni*) in California. Reported to California Fish and Game Commission. Five years status report.
- Cypher, B. L., S. E. Phillips, P. A. Kelly, 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25-31.
- Gervais, J. A., D. K. Rosenberg, and L. A. Comrack, 2008. Burrowing Owl (*Athene cunicularia*) In California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (W. D. Shuford and T. Gardali, editors). *Studies of Western Birds* 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley of California. Swainson's Hawk Technical Advisory Committee. May 31, 2000.
- USFWS, 2011. Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.

Attachment 2

Comments Received from California Department of
Transportation, October 16, 2017,
and County Response to Comments

From: Hector Guerra
To: Jessica Willis
Date: 11/16/2017 1:39 PM
Subject: Fwd: Caltrans Comments for Traver DEIR / SCH# 2017081024

Here's CT comment.

>>> "Gentry, Jamaica@DOT" <Jamaica.Gentry@dot.ca.gov> 10/16/2017 10:01 AM >>>
Good Morning, Hector

Caltrans has no comment on the Wastewater Treatment Improvement Project. SCH# 2017081024.

Thank you,
Jamaica Gentry
Transportation Planner
CalTrans - District 6
P: (559) 488-7307

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

From: Deel, David@DOT
Sent: Friday, October 13, 2017 4:24 PM
To: Gentry, Jamaica@DOT <Jamaica.Gentry@dot.ca.gov>
Cc: Navarro, Michael@DOT <michael.navarro@dot.ca.gov>
Subject: FW: Traver DEIR

Jamaica -

Please review and process.
Follow link below to access documents and to upload in GTS.
Check GTS as I reviewed the NOP - Notice of Preparation (of the environmental document, either ND, MND or in this case an 'EIR') Notice the location map in GTS.
Reply with email back to Hector Guerra.

Thanks,

DAVID DEEL | 559.488.7396 | CALTRANS D6

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

From: Hector Guerra [<mailto:HGuerra@co.tulare.ca.us>]
Sent: Friday, October 13, 2017 11:35 AM
To: Deel, David@DOT <david.deel@dot.ca.gov>; Navarro, Michael@DOT <michael.navarro@dot.ca.gov>; ceqa@valleyair.org; Hatton, Scott@Waterboards <Scott.Hatton@waterboards.ca.gov>; Renee.Robinson@wildlife.ca.gov
Subject: Fwd: Traver DEIR

All,

Following is the link to the Traver Community Wastewater System Improvements project DEIR on the RMA's website which can be found at:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planni>

Thank you for allowing this Project to undergo an 30-day review period.

Please do not hesitate to call me at 559-624-7121 if you have any questions.

Have a great weekend and Best Regards!

Hector

Traver Community Wastewater System Improvements project is now



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277.

PHONE (559) 624-7000
FAX (559) 730-2653

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 6, 2017

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

Subject: Response to Comments, DEIR – Traver Community Wastewater System Improvements Project, SCH# 2017081024

Dear Ms. Gentry,

Thank you for providing the Department of Transportation – District 6 (Caltrans) response regarding DEIR – Traver Community Wastewater System Improvements Project, SCH #. 20170081024.

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

Comment: "Caltrans has no comment on the Wastewater Treatment Improvement Project. SCH# 2017081024."

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

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

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

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

*Response to Comment from
Ms. Jamaica Gentry, Transportation Planner
CALTRANS, District 6
RE: DEIR for Traver Community Wastewater System Improvements Project
SCH# No. 2017081024
December 6, 2017*

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

Best Regards,


Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) E-mail received from Ms. Jamaica Gentry, November 16, 2017, for Traver Community Wastewater System Improvements Project, SCH #. 20170081024

cc: file

From: Hector Guerra
To: Jessica Willis
Date: 11/16/2017 1:39 PM
Subject: Fwd: Caltrans Comments for Traver DEIR / SCH# 2017081024

Here's CT comment.

>>> "Gentry, Jamaica@DOT" <Jamaica.Gentry@dot.ca.gov> 10/16/2017 10:01 AM >>>
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Caltrans has no comment on the Wastewater Treatment Improvement Project. SCH# 2017081024.

Thank you,
Jamaica Gentry
Transportation Planner
CalTrans - District 6
P: (559) 488-7307

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Cc: Navarro, Michael@DOT <michael.navarro@dot.ca.gov>
Subject: FW: Traver DEIR

Jamaica -

Please review and process.
Follow link below to access documents and to upload in GTS.
Check GTS as I reviewed the NOP - Notice of Preparation (of the environmental document, either ND, MND or in this case an 'EIR') Notice the location map in GTS.
Reply with email back to Hector Guerra.

Thanks,

DAVID DEEL | 559.488.7396 | CALTRANS D6

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

From: Hector Guerra [<mailto:HGuerra@co.tulare.ca.us>]
Sent: Friday, October 13, 2017 11:35 AM
To: Deel, David@DOT <david.deel@dot.ca.gov>; Navarro, Michael@DOT <michael.navarro@dot.ca.gov>; ceqa@valleyair.org; Hatton, Scott@Waterboards <Scott.Hatton@waterboards.ca.gov>; Renee.Robinson@wildlife.ca.gov
Subject: Fwd: Traver DEIR

All,

Following is the link to the Traver Community Wastewater System Improvements project DEIR on the RMA's website which can be found at:

<http://tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planni>

[ng/environmental-impact-reports/traver-community-wastewater-system-improvements/](#)

Thank you for allowing this Project to undergo an 30-day review period.

Please do not hesitate to call me at 559-624-7121 if you have any questions.

Have a great weekend and Best Regards!

Hector

Traver Community Wastewater System Improvements project is now

Attachment 3

Comments Received from San Joaquin Valley Unified Air
Pollution Control District, November 16, 2017,
and County Response to Comments

From: Cherie Clark <Cherie.Clark@valleyair.org>
To: Hector Guerra <HGuerra@co.tulare.ca.us>, "jwillis@co.tulare.ca.us"
<jwillis@co.tulare.ca.us>
Date: 11/16/2017 4:35 PM
Subject: FW: Attached Image
Attachments: 1118_001.pdf

Hi Hector and Jessica,

Please find attached comment letter for the Traver project. Let me know if you have any questions.

Thank you,

Cherie Clark
Air Quality Specialist
Permits
San Joaquin Valley APCD
1990 E. Gettysburg Ave.
Fresno, CA 93726
559-230-5940

Service*Teamwork*Attitude*Respect

From: Centralcopier
Sent: Thursday, November 16, 2017 4:16 PM
To: Cherie Clark <Cherie.Clark@valleyair.org>
Subject: Attached Image

November 16, 2017

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

Project: Traver Community Wastewater System Improvements Project

District CEQA Reference No: 20171102

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Traver Community Wastewater System Improvements project. (Project) The proposed Project consists of improving and expanding the exiting wastewater collection system, including the construction of a new lift station, additional mains, an underground crossing, and a yet to be determined treatment system. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions

The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.

2. Indirect Source Review-District Rule 9510

Based on information provided, the proposed project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 9,000

Sayed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

square feet. Therefore, the District concludes that the proposed project is subject to District Rule 9510.

Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at:

<http://www.valleyair.org/ISR/ISRHome.htm>.

3. District Rules and Regulations

The proposed project may be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

This project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665. Current District rules can be found online at the District's website at:

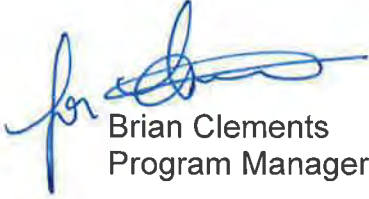
www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the

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

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink, appearing to read 'for' followed by a stylized signature.

Brian Clements
Program Manager

AM: cc



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277.

PHONE (559) 624-7000

FAX (559) 730-2653

Michael Washam Economic Development and Planning

Reed Schenke Public Works

Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 6, 2017

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

Subject: Response to Comments, DEIR – Traver Community Wastewater System Improvements Project, SCH# 2017081024

Dear Mr. Clements,

Thank you for providing the San Joaquin Valley Unified Air Pollution Control District (Air District) response regarding DEIR – Traver Community Wastewater System Improvements Project, SCH# 2017081024.

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

Comment 1: "The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above listed annual criteria pollutant emission significance thresholds."

Response: *As the agency with the foremost authority regarding the air quality resource, RMA Staff appreciates the Air District's evaluation of Project-related impacts on air quality. The County agrees with the Air District's determination that the Project will not exceed the Air District's criteria pollutant thresholds.*

Comment 2: "Based on information provided, the proposed project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 9,000 square feet. Therefore, the District concludes that the proposed project is subject to District Rule

9510. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.”

Response: *The County would like to remind the Air District that the Project is not a construction project; it is merely a feasibility plan. If the State Water Resources Control Board (SWRCB deems the Project feasible, the Project will undergo further environmental evaluation, including impacts on air quality, compliance with applicable air quality rules and regulations, and implementation of appropriate mitigation measures, if required. As such, the County will continue to work with the Air District to ensure that the Project, if feasible, complies with all applicable Air District requirements.*

Comment 3: “The proposed project may be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District’s Small Business Assistance (SBA) Office at (661) 392-5665. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District’s Small Business Assistance (SBA) Office at (661) 392-5665. Current District rules can be found online at the District’s website at: www.valleyair.org/rules/1ruleslist.htm.”

Response: *The County appreciates the Air District’s notification that the Project is subject to Regulation VIII, Rule 4102, Rule 4641, and possibly other rules pertaining to Air District permitting requirements. The County will continue to work with the Air District to ensure that the Project (if the SWRCB deems the Project feasible) complies with all applicable Air District rules, regulations, and permitting requirements.*

Comment 4: “The District recommends that a copy of the District’s comments be provided to the project proponent.”

Response: *As the applicant is the County of Tulare, the County is in receipt of the Air District's comments. As noted earlier, if the Project is determined to be feasible by the SWRCB, the County will continue to work with the Air District to ensure that the Project complies with all applicable Air District rules and regulations.*

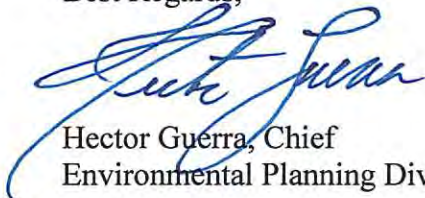
The Final EIR will be presented to the Tulare County Board of Supervisors on December 19, 2017, for consideration of certification. The Final EIR will be available on December 8, 2017, at the following website:

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

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

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) *E-mail and copy of letter received from Ms. Cherie Clark, November 16, 2017, for Traver Community Wastewater System Improvements Project, District CEQA Reference No. 20171102 (Hard copy received November 20, 2017.)*

cc: file



November 16, 2017

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

Project: Traver Community Wastewater System Improvements Project

District CEQA Reference No: 20171102

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the Traver Community Wastewater System Improvements project. (Project) The proposed Project consists of improving and expanding the exiting wastewater collection system, including the construction of a new lift station, additional mains, an underground crossing, and a yet to be determined treatment system. The District offers the following comments:

1. Significance Impact for Annual Criteria Pollutants Emissions

The Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.

2. Indirect Source Review-District Rule 9510

Based on information provided, the proposed project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 9,000

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

square feet. Therefore, the District concludes that the proposed project is subject to District Rule 9510.

Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510 be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at:

<http://www.valleyair.org/ISR/ISRHome.htm>.

3. District Rules and Regulations

The proposed project may be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

This project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665. Current District rules can be found online at the District's website at:


www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the

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

Sincerely,

Arnaud Marjollet
Director of Permit Services


for
Brian Clements
Program Manager

AM: cc

Attachment 4

Comments Received from California Department of Fish
and Wildlife, November 21, 2017, and
County Response to Comments

From: "Moua, Linda@Wildlife" <Linda.Moua@Wildlife.ca.gov>
To: "HGuerra@co.tulare.ca.us" <HGuerra@co.tulare.ca.us>
CC: "jwillis@co.tulare.ca.us" <jwillis@co.tulare.ca.us>, "Robison,Renee@Wildlife" <Renee.Robison@Wildlife.ca.gov>
Date: 11/21/2017 12:15 PM
Subject: Traver Community Wastewater System, SCH # 2017081024
Attachments: TraverWastewater_DEIR.pdf

Good afternoon,

Please see attached letter. Hard copy to follow by mail.

Thank you,

Linda Moua
Staff Services Analyst
Department of Fish and Wildlife
Central Region 4
1234 East Shaw Avenue
Fresno, CA 93710
559-243-4014 ext 232
Linda.Moua@Wildlife.ca.gov<mailto:Linda.Moua@Wildlife.ca.gov>

Every Californian should conserve water. Find out how at:

[SaveOurWater_Logo]<https://urldefense.proofpoint.com/v2/url?u=http-3A__saveourwater.com_&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=YXm262t5Y68q01ayHt7qqQYqoNwPrhaPEaEEDLkoyQ0&m=wPdqvNExiStt4gFBcZoFZJ6mbdDZekZKdxJkQzflqP8&s=eYTs3fU8Zg-Q0vXFtRJ3UoJtqf8e10-8N6eAlGmKs8U&e=>>
SaveOurWater.com<https://urldefense.proofpoint.com/v2/url?u=http-3A__saveourwater.com_&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=YXm262t5Y68q01ayHt7qqQYqoNwPrhaPEaEEDLkoyQ0&m=wPdqvNExiStt4gFBcZoFZJ6mbdDZekZKdxJkQzflqP8&s=eYTs3fU8Zg-Q0vXFtRJ3UoJtqf8e10-8N6eAlGmKs8U&e=>> *

Drought.CA.gov<https://urldefense.proofpoint.com/v2/url?u=http-3A__drought.ca.gov_&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=YXm262t5Y68q01ayHt7qqQYqoNwPrhaPEaEEDLkoyQ0&m=wPdqvNExiStt4gFBcZoFZJ6mbdDZekZKdxJkQzflqP8&s=EcRkVGXk2AfAz185A4CU1ItXKundxB2B_AtKBGNXwg&e=>>



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

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



November 21, 2017

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

**Subject: Traver Community Wastewater System Project (Project)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2017081024**

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from Tulare County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

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

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County

Objective: The Project seeks to improve the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the collection system are needed to increase capacity and reliability, to extend service to existing residences and businesses currently not being served, and to serve infill areas within the community that are expected to develop in the future. Improvements to the treatment plant are needed to increase capacity, reliability, efficiency, and effectiveness to better serve the community. Construction activities associated with improving the collection system will include trenching and installing pipeline. Construction activities associated with the treatment plant improvements include (1) improving the lift station; (2) constructing a new headworks; (3) installing two 50,000-60,000-million-gallon-per-day package plants, one standby generator, and groundwater monitoring wells; and (4) miscellaneous site work and building repairs.

Location: The unincorporated community of Traver, Tulare County, California (36.4541, -119.4846).

Timeframe: Construction planned to occur from August 2018 to August 2019, over a period of 120 working days.

COMMENTS AND RECOMMENDATIONS

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

The DEIR indicates that the Project area has the potential to support several special-status species. Therefore, the Project has the potential to significantly impact biological resources. CDFW recognizes that the DEIR outlines mitigation measures to reduce

impacts to biological resources. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding potential Project-related impacts to (1) the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), (2) the State species of special concern burrowing owl (*Athene cunicularia*), (3) the State threatened Swainson's hawk (*Buteo swainsoni*), (4) birds, and (5) bats. Concerns, comments, and recommendations regarding these biological resources are described below.

I. Mitigation Measure and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Mitigation Measure 3.4.2b

Issue: Mitigation Measure 3.4-2a describes focused preconstruction surveys for SJKF. This measure states that "if an active kit fox den is detected within or immediately adjacent to the area of work, the United States Fish and Wildlife Service (USFWS) and CDFW shall be contacted immediately to determine the best course of action." While CDFW agrees that SJKF detection warrants consultation, CDFW recommends describing the minimum radius around the Project area that preconstruction surveys will cover. In addition, Mitigation Measure 3.4-2b describes avoidance measures for SJKF. Specifically this measure states that if SJKF are found "during pre-construction surveys, the project will avoid the habitat occupied by the kit fox..." CDFW advises including specific, quantifiable, and enforceable avoidance measures within the DEIR. As currently written, this measure does not provide guidance regarding no-disturbance buffers surrounding occupied habitat and dens. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SJKF are found during preconstruction surveys or Project activities.

Specific impact: Without appropriate and enforceable mitigation measures, potentially significant impacts to SJKF occurring in the Project area include inadvertent entrapment of SJKF and disturbance of den sites occupied by SJKF. The impacts have the potential to result in den abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Although the DEIR describes the likelihood of SJKF occurring within the Project area as low, presence/absence in any one year is not necessarily a reliable indicator of SJKF potential to occur on a site. SJKF may be attracted to the Project area due to the type and level of ground-disturbing activities (i.e. trenching, etc.) and the loose, friable soils resulting from intensive ground disturbance associated with the Project. Furthermore, very little habitat suitable for SJKF remains in northern Tulare County (Cypher et al. 2013). As a result, impacts to SJKF associated with the Project have the potential to significantly impact local populations.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SJKF to less than significant, CDFW recommends changing Mitigation Measure 3.4-2b by incorporating the following changes.

Mitigation Measures 3.4-2b: SJKF Avoidance

In accordance with the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011), CDFW advises delineating no-disturbance buffers around occupied dens. Specifically, a minimum 50-foot no-disturbance buffer around potential and atypical (i.e. man-made) dens and a minimum 100-foot no-disturbance buffer around known den sites is advised.

Recommended Mitigation Measure 1: SJKF Take Authorization

If surveys find that SJKF are occupying the Project area and cannot be avoided, CDFW may issue an Incidental Take Permit authorizing take of SJKF, pursuant to Fish & Game Code § 2081(b). Take authorization is issued only when take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species. CDFW recommends adding provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SJKF occupy the Project area.

COMMENT 2: Burrowing Owl (BUOW)

Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c

Issue: Mitigation Measure No. 3.4-3a describes preconstruction surveys for BUOW “within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use.” However, depending on the timing of construction activities, surveys conducted within 30 days of Project initiation may not be sufficient to detect BUOW occupancy. Also, as currently drafted, this measure only relates to heavy disturbance activities, although other less disruptive activities can also impact BUOW. In addition, Mitigation Measure No. 3.4-3b describes implementation of a 250-foot no-disturbance buffer around active owl nest burrows if construction activities occur during the breeding season, as defined in the DEIR as February 1–August 31. However, depending on the level of disturbance associated with Project activities, these buffers may not be sufficient in avoiding impacts to BUOW. Further, Mitigation Measure No. 3.4-3c describes passive relocation of BUOW found occupying the Project area. However, according to CDFW’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method and this measure does not describe how the impact of evicting owls would be mitigated to a less than significant level.

Specific impact: The DEIR includes passive relocation of BUOW as a mitigation measure. In addition, Project activities include ground disturbance in the form of trenching. Without appropriate avoidance and minimization measures for BUOW, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality.

Evidence impact is potentially significant: The Project area is within the range of BUOW and, as described in the DEIR prepared for the Project, it supports potentially suitable burrow and foraging habitat. Habitat loss and degradation are considered the greatest threats to BUOW in California’s Central Valley (Gervais et al. 2008). BUOW rely on burrow habitat year round for their survival and reproduction. If BUOW are evicted from burrows without either artificial burrows in place to replace them or suitable adjacent natural habitat, the Project has the potential to significantly affect local BUOW populations. In addition, and as described in CDFW’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), passively relocating and excluding BUOW is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to BUOW to less than significant, CDFW recommends changing Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c by incorporating the following changes.

Mitigation Measure 3.4-3a: BUOW Preconstruction Surveys

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Mitigation Measure 3.4-3b: Avoidance of Active BUOW Nests

CDFW recommends no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Mitigation Measure 3.4-3c: Passive Relocation of Resident BUOW

If BUOW are found to occupy the Project area and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is

confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

COMMENT 3: Swainson's Hawk (SWHA)

Mitigation Measures 3.4-4b and 3.4-4c

Issue: Mitigation Measure 3.4-4b describes preconstruction surveys for nesting migratory birds and raptors, including SWHA, within 30 days of the onset of Project activities. However, dependent upon when construction is initiated, surveys for Swainson's hawk within this timeframe may not be sufficient to detect newly initiated nests. In addition, Mitigation Measure 3.4-4c describes that a biologist will determine appropriate no-disturbance buffers around active bird nests, but does not specify a minimum buffer size for SWHA. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SWHA are found during preconstruction surveys.

Specific impact: The DEIR describes the potential removal of mature trees during development. In addition, depending on the timing of construction, Project activities including noise, vibration, odors, and movement of workers or equipment could also affect nests and have the potential to result in nest abandonment. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with the Project include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity of the Project. In addition, review of aerial imagery indicates that the Project area includes agricultural fields planted in low-growing crops such as alfalfa and wheat, which may provide foraging habitat for SWHA. The Project area is surrounded by intensively managed agricultural land. Therefore, the presence of these two requisite habitat features increases the likelihood of occurrence of SWHA within the Project area. In the San Joaquin Valley, suitable nest trees may be a limiting factor for SWHA occupation and reproduction. As a result, loss of suitable nest trees, particularly in proximity to foraging habitat has the potential to significantly impact local SWHA

(CDFW 2016). In addition, CDFW considers removal of known raptor nest trees, even outside of the nesting season, a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SWHA to less than significant, CDFW recommends changing Mitigation Measures 3.4-4b and 3.4-4c by incorporating the following changes.

Mitigation Measure 3.4-4b: Preconstruction SWHA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. Specifically, CDFW recommends that surveys be completed for at least two survey periods immediately prior to the Project's initiation. SWHA TAC identifies survey periods as follows: (I) January to March 20, (II) March 20 to April 5, (III) April 5 to April 20, (IV) April 21 to June 10, and (V) June 10 to July 30. In addition, SWHA TAC identifies differing levels of survey effort depending on the survey period during which surveys take place. Specifically, one survey is recommended during survey period I, while three surveys are recommended during survey periods II, III, and V. SWHA TAC advises against initiating surveys during survey period IV and advises only monitoring known nest sites during this survey period. In addition, if ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Mitigation Measure 3.4-4c: SWHA Buffers

If an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 2: SWHA Take Authorization

If surveys find that nesting SWHA occur within ½-mile of the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, an Incidental Take Permit authorizing take of SWHA, pursuant to Fish & Game Code § 2081(b) is required prior to the start of ground or vegetation disturbing activities to comply with CESA. CDFW recommends adding

provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SWHA occupy the Project area.

II. Editorial Comments and/or Suggestions

Mitigation Measures

Mitigation Measure 3.4-2c: This measure describes implementing minimization measures (i.e. traffic restrictions, covering pipes, etc.) during construction to reduce impacts to SJKF. CDFW recommends that this measure cite implementation of measures outlined in the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011).

Mitigation Measures 3.4-4b through 3.4-4c for Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

The Project area likely provides nesting habitat for birds. CDFW encourages Project implementation occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

While Mitigation Measure 3.4-4b describes preconstruction surveys for nesting birds within 30 days of Project initiation, CDFW recommends that a qualified wildlife biologist conduct pre-construction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral

changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

Mitigation Measure 3.4-4c describes implementing construction-free buffers around active nests and that the size of these buffers will be determined by a biologist. However, CDFW recommends implementing a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Mitigation Measures 3.4-5c through 3.4-5d for Bats: CDFW has jurisdiction over actions with potential to result in take of non-game mammals, pursuant Fish and Game Code § 4150. The DEIR outlines potential for pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis californicus*), recognized as State species of special concern, to occur in the Project area. Mitigation Measures 3.4-5c through 3.4-5d describe eviction of non-breeding and maternity bat roosts and colonies if avoidance is not possible. However, CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during Project activity, or postponing Project activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends submission of a request for a reduced buffer or a Bat Eviction Plan to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

Table ES-1 Mitigation Monitoring and Reporting Program: The Mitigation Monitoring and Reporting Program (Table ES-1) included in the DEIR assigns monitoring responsibility to an unnamed "Governing Entity" in Mitigation Measures 3.4-2b-c, 3.4-3b-c, 3.4-4a and c, and 3.4-5a, c, and d of the Biological Resources section. CDFW recommends the entity responsible for monitoring compliance with these measures be specifically named. Please note that CDFW is only responsible for exercising regulatory authority as provided by the Fish and Game Code for issuance of permits (Fish & G. Code, § 1600 et seq., § 2081 et seq.) and enforcement actions related to take of

species protected under CESA (Fish & G. Code, § 2050 et seq.). Therefore, it is the responsibility of the Project and the Lead Agency to ensure that mitigation measures listed in the DEIR are feasible, measureable, and implemented and enforced.

Federally Listed Species

CDFW also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

CONCLUSION

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

Hector Guerra, Chief Environmental Planner
Tulare County
November 21, 2017
Page 12

More information on survey and monitoring protocols for sensitive species can be found at the CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by email at Renee.Robison@wildlife.ca.gov.

Sincerely,



for Julie A. Vance
Regional Manager

cc: Timothy Ludwick
United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

REFERENCES

- CBOC, 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. March 7, 2012.
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- Cypher, B. L., S. E. Phillips, P. A. Kelly, 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25–31.
- Gervais, J. A., D. K. Rosenberg, and L. A. Comrack, 2008. Burrowing Owl (*Athene cunicularia*) In California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (W. D. Shuford and T. Gardali, editors). Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley of California. Swainson's Hawk Technical Advisory Committee. May 31, 2000.
- USFWS, 2011. Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.

From: Hector Guerra
To: Linda@Wildlife Moua
CC: Jessica Willis; Renee@Wildlife Robison; annee.ferranti@wildlife.ca.gov
Date: 11/21/2017 4:15 PM
Subject: Re: Traver Community Wastewater System, SCH # 2017081024
Attachments: OPR_comment_closed_letter_11-14-17.pdf

Linda,

As you may be aware, the comment period for this Project ended last Monday, November 13, 2017.

Per CEQA Guidelines, and as affirmed by the attached OPR/SCH letter, the County has complied with State Clearinghouse review requirements for draft environmental documents. OPR/SCH's letter clearly indicates that it did not receive any comments from any state agencies, including the Department.

Although not obligated to consider the Department's late submittal, the County will carefully consider the Department's comments for incorporation into the Final EIR.

As a reminder, the Project IS NOT a construction project; it is merely a feasibility plan.

If the State Water Quality Control Board deems the project feasible, it will undergo further environmental evaluation, including but not limited to, impacts on biological resources and applicable/appropriate mitigation.

We recognize the Department's expertise regarding biological resources and acknowledge that special status species are indeed transient in nature. Per CEQA, we are compelled to establish a "baseline" and that baseline currently indicates absence. We do not dismiss their current absence as permanent absence. As such, we clearly indicate that avoidance and pre-construction surveys by a qualified biologist will be the first steps taken to ensure minimal-to-no disturbance occurs to special status species. If presence is detected, the qualified biologist will then guide the County through the appropriate and applicable process to satisfy the Department and thereby avoid and/or minimize potential impacts to special status species.

Best Regards,

Hector Guerra
Chief
Environmental Planning Division
Economic Development and Planning Branch
Tulare County Resource Management Agency

>>> "Moua, Linda@Wildlife" <Linda.Moua@Wildlife.ca.gov> 11/21/2017 12:15 PM >>>
Good afternoon,

Please see attached letter. Hard copy to follow by mail.

Thank you,

Linda Moua
Staff Services Analyst
Department of Fish and Wildlife
Central Region 4
1234 East Shaw Avenue
Fresno, CA 93710
559-243-4014 ext 232

Linda.Moua@Wildlife.ca.gov<mailto:Linda.Moua@Wildlife.ca.gov>

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 6, 2017

Julie A. Vance, Regional Manager
Department of Fish and Wildlife
1234 E. Shaw Avenue
Fresno, CA 93710

Subject: Response to Comments, DEIR – Traver Community Wastewater System Improvements Project, SCH# 2017081024

Dear Ms. Vance,

Thank you for providing the Department of Fish and Wildlife's (CDFW) response regarding DEIR – Traver Community Wastewater System Improvements Project, SCH#. 20170081024.

The County of Tulare (County) acknowledges and recognizes the CDFW's authority and expertise regarding fish and wildlife (biological) matters. Based on the letter provided, the County has clarified and amplified mitigation requirements based on the CDFW's recommendations. The following is the County of Tulare Resource Management Agency (RMA) response to CDFW's letter dated November 21, 2017 (attached). The Final EIR (see below for website link) includes RMA's response to the CDFW's comments (below) which are italicized to include underlining where language has been added to the mitigation measures as suggested by the CDFW.

Comment Subject: CDFW's Role

Comment: The letter discusses the CDFW's role as both a Trustee and a Responsible Agency under CEQA and identifies their jurisdiction over wildlife and natural resources pursuant to the California Fish and Game Code, including "take" of any species protected by the California Endangered Species Act.

Response: *The County recognizes the CDFW as submitting comments as both a Trustee Agency and Responsible Agency under Fish and Game Code and Public Resources Code / CEQA Guidelines for CEQA purposes. As such, the County recognizes that unlisted species may also be considered by CDFW for CEQA purposes. Importantly, the County acknowledges that CDFW has jurisdiction over "birds," "fully protected species," and "water pollution," and that any "take" would require authorization by CDFW.*

Comment Subject: Project Description

Comment: The letter summarizes the Project description, including the objective, location, and construction timeframe.

Response: *As the comment merely provides readers with the Project description and does not provide any comment on the adequacy of the EIR, no responses are needed.*

Comment Subject: Comments and Recommendations

Comment: The CDFW states that, although EIR recognizes that the Project has the potential to support and potentially impact special status species and includes mitigation measures to address these potential impacts, the CDFW still has concerns regarding potential impacts to San Joaquin kit fox, burrowing owl, Swainson's Hawk, birds, and bats.

Response: *The DEIR (in Section 3.4, Biological Resources), notes that there was the possibility of potentially significant impacts to valley elderberry longhorn beetle, San Joaquin kit fox, burrowing owl, nesting and migratory birds (including Swainson's Hawk), and roosting bats, within the Project area. Per the expert, qualified biologists Live Oak Associates, these potential impacts would be mitigated to less than significant impact through the implementation of Mitigation Measures 3.4-1 through 3.4-5. These Mitigation Measures include pre-construction surveys, pre-construction employee education programs, avoidance, minimization, construction monitoring, buffer areas, passive relocation, mortality reporting, and compensation. However, the CDFW has concerns regarding the adequacy of these measure. These concerns are addressed in the following responses to comment and in the Final EIR and MMRP as recommended by the CDFW.*

Comment 1: San Joaquin Kit Fox (SJKF)

Comment: Potentially significant impacts to SJKF include inadvertent entrapment of SJKF and disturbance of den site occupied by SJKF resulting in den abandonment, reduced reproductive success, reduce health of the young, and individual mortality. As very little suitable SJKF habitat remains in northern Tulare County, the Project could potentially have significant impacts to local populations. The presence/absence of SJKF in any year is not a reliable indicator of the potential to occur on site. Mitigation Measure 3.4-2a should include the minimum radius around the Project area that the pre-construction surveys will cover and include guidance regarding no-disturbance buffers around occupied habitat and dens. The EIR does not include a provision for "take" authorization in the event that SJKF are found during pre-construction surveys. CDFW recommends a minimum 50-foot no-disturbance buffer around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer around known den sites. An Incidental Take Permit may be required if pre-construction surveys find that SJKF occupy the Project area and cannot be avoided. CDFW recommends the inclusion of a mitigation measure for seeking take authorization in the event SJKF occupy the Project area.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to SJKF and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring a pre-construction survey by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SJKF occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-2a will be modified to include a minimum survey radius in accordance with the USFWS "Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) as follows:

3.4-2a (Pre-construction Surveys). *Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project-related activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.*

Pursuant to CDFW recommendations, Mitigation Measure 3.4-2b will be modified to include no-disturbance buffer areas and provision for Incidental Take Permit as follows:

3.4-2b (Avoidance). *Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. ~~and~~ The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.*

Comment 2: Burrowing Owl (BUOW)

Comment: The Project area provides potentially suitable burrow and foraging habitat. If evicted from burrows without artificial burrows in place or suitable adjacent natural habitat, the Project has potential to significantly affect local BUOW populations, including nest abandonment, reduced nesting success, reduced health and vigor of eggs/youth, and direct mortality. As such, passive relocation and excluding BUOW is considered a potentially significant impact under CEQA. Pre-construction surveys within 30 days of onset of Project-related activities may not be sufficient to detect BUOW occupancy. Mitigation Measure 3.4-3a relates to heavy disturbance activities although less disruptive activities can also disturb BUOW; as such, CDFW recommends three or more surveillance surveys be conducted by a qualified biologist during daylight and at least three weeks apart during peak breeding season. Depending on level of disturbance, the 250-foot buffer area identified in Mitigation Measure 3.4-3b may not be sufficient in avoiding impacts; as such, CDFW recommends no-disturbance buffers and that impacts to occupied burrows be avoided unless a qualified biologist approved by CDFW verifies that the birds have not begun egg laying and incubation or that juveniles are foraging independently and are capable of independent

survival.. As exclusion is not an accepted take avoidance, minimization, or mitigation method, Mitigation Measure 3.4-3c does not describe how passive relocation (evicting) of BUOW would mitigate impacts to less than significant. As such, CDFW recommends that, if necessary, burrow exclusion be conducted by qualified biologist and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty. CDFW also recommends replacement of occupied burrows with artificial burrows at a ratio of 1:1. CDFW further recommends ongoing surveillance of the Project site during construction-related activities to detect BUOW in the event they attempt to re-colonize the site.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to BUOW and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring a pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of BUOW occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-3a will be modified to include the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993) as follows:

3.4-3a (Pre-construction Surveys). *A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993), within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.*

Pursuant to CDFW recommendation, Mitigation Measure 3.4-3b will be modified to include no-disturbance buffers minimum as outlined in CDFW's "Staff Report of Burrowing Owl Mitigation" (2012) as follows:

3.4-3b (Avoidance of Active Nests). *If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012) to employ the following:*

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug 15	200 m	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

The buffer areas 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.

CDFW recommends that, if necessary, burrow exclusion be conducted by qualified biologist and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty. Mitigation Measure already includes this recommendation, "During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist." However, pursuant to CDFW recommendation, Mitigation Measure 3.4-3c will be modified to include the requirement for qualified biologists and ongoing surveillance as follows:

3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas and replacing them with artificial burrows at a ratio of 1:1 if deemed necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.

Comment 3: Swainson's Hawk (SWHA)

Comment: Trees within ½ mile of the Project area represent some of the only remaining suitable nesting habitat in the Project vicinity and the surrounding agricultural areas provide suitable foraging habitat for SWHA. As suitable nesting trees are a limiting factor for SWHA, loss or removal of trees in proximity to foraging habitat, even outside of the nesting season, has a potentially significant impact on local SWHA population. Project-related noise, vibration, odors, and movement by workers and equipment could also have a potentially significant impact on SWHA resulting in nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and young. Dependent upon timing of construction, Mitigation Measure 3.4-4b may not be sufficient to detect newly initiated nests. As such, CDFW recommends that a qualified biologist conduct surveys for raptors and at least two survey periods be completed immediately prior to the Project's initiation. If ground-disturbing activities will occur during breeding season, CDFW recommends additional pre-construction surveys no more than 10-days prior to start of construction. Mitigation Measure 3.4-4c does not specify the minimum buffer area for SWHA. The EIR does not include provisions for pursuit of take authorization. As such, CDFW recommends a minimum ½ mile no-disturbance buffer around the nest. CDFW recommends provisions for seeking take authorization be included as a mitigation and minimization measure if nesting SWHA occurs within ½ mile of the Project area.

Response: The County appreciates the CDFW's assistance in identifying potential impacts to SWHA and recommendations to previously proposed mitigation measure to ensure that they are specific,

quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SWHA occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW.

Pursuant to CDFW recommendation, Mitigation Measure 3.4-4b will be modified to include surveys in accordance with the Swainson's Hawk Technical Advisory Committee "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" (2000) as follows:

3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (2000) which employs the following:

<u>Survey Period</u>	<u>Survey Dates</u>	<u>Survey Time</u>	<u>Number of Surveys Needed</u>
<u>I</u>	<u>January – March 20</u>	<u>All day</u>	<u>1</u>
<u>II</u>	<u>March 20 – April 5</u>	<u>Sunrise – 1000; 1600 to Sunset</u>	<u>3</u>
<u>III</u>	<u>April 5 – April 20</u>	<u>Sunrise – 1200; 1630 – Sunset</u>	<u>3</u>
<u>IV</u>	<u>April 21 – June 10</u>	<u>Monitoring sites only</u>	<u>Initiating surveys is not recommended</u>
<u>V</u>	<u>June 10 – July 30</u>	<u>Sunrise – 1200; 1600 – Sunset</u>	<u>3</u>

If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 3010 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

The CDFW recommends a ½ mile no-disturbance buffer area in the event that SWHA occurs in the Project area. Given the Project's specific design layout a ½ mile no-disturbance distance may not be practical. The County will consult with the CDFW to determine whether avoidance measures (such as smaller buffer areas) are viable or whether the ½ mile buffer will be required. If SWHA occur in the Project area, to avoid disturbance of SWHA the County may opt to delay construction-related activities such that they do not occur during the normal breeding period (that is, February 1 - September 15). Pursuant to CDFW recommendation, Mitigation Measure 3.4-4c will be modified to include the no-disturbance buffer area and provision for take authorization as follows:

3.4-4c (Establish Buffers). Should any active nests be discovered near proposed work areas, the biologist, in consultation with CDFW, will determine appropriate construction setback distances and a behavioral baseline of all identified nests based on applicable CDFW guidelines and/or

the biology of the affected species. Within these buffers the qualified biologist will continue monitoring to detect behavioral changes, and if changes occur that the work causing changes will cease and CDFW will be consulted for additional avoidance and minimization measures, including initiation of the take authorization/permit process if required. 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. In no case is the buffer to be less than 250 feet around active nests of non-listed bird species and not less than 500 feet around active nests of non-listed raptor species and ½ mile for SWHA, until the birds have "fledged," unless a variance is approved by CDFW.

Comment Subject: Mitigation Measures 3.4-2c

Comment: CDFW recommends that Mitigation Measure 3.4-2c cite implementation of the measure as outlined in the USFWS "Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011).

Response: Pursuant to CDFW recommendation, Mitigation Measure 3.4-2c will be modified to include a citation to the USFWS "Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) as follows:

3.4-2c (Minimization). In accordance with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011), Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.

Comment Subject: Mitigation Measures 3.4-4b through 3.4-4c for Nesting Birds

Comment: Pursuant to the California Fish and Game Code, CDFW has jurisdiction over actions which could potentially result in disturbance or destruction of active nest sites or unauthorized take of birds. CDFW encourages Project implementation during non-nesting season. For Mitigation Measure 3.4-4b, CDFW recommends pre-construction surveys for nesting birds by a qualified biologist no more than 10 days prior to Project initiation and that surveys cover a sufficient area as to address potential impacts from nest destruction, noise, vibration, and movement. The CDFW also recommends the survey to establish behavioral baselines of all identified nests and continued monitoring to detect any behavioral changes. For Mitigation Measure 3.4-4c, CDFW recommends a minimum 250-foot no-disturbance buffer around active nests of non-listed birds and a 500-foot no-disturbance buffer around active nest of non-listed raptors; these buffers should remain in place until after the breeding season has ended. CDFW also recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of their implementation.

Response: The County appreciates the CDFW's assistance in identifying potential impacts to nesting birds and recommendations to previously proposed mitigation measure to ensure that they are specific,

quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of SWHA occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. Recommendations for Mitigation Measures 3.4-4b and 3.4-4c have previously been addressed (See responses above for Mitigation Measures for SWHA).

Comment Subject: Mitigation Measures 3.4-5c through 3.4-5d for Bats

Comment: Pursuant to the California Fish and Game Code, CDFW has jurisdiction over actions which could potentially result in unauthorized take of non-game animals, including bats. CDFW recommends that bats not be disturbed without specific notification and consultation with CDFW. If bats are detected in the Project area, the CDFW recommends a minimum 50-foot no-disturbance buffer during Project activity or postponement of the Project until repeat surveying documents bats are no longer roosting. If avoidance is not feasible, a reduced buffer or Bat Eviction Plan should be submitted to CDFW for written approval prior to Project implementation.

Response: *The County appreciates the CDFW's assistance in identifying potential impacts to non-listed and special status bat species and recommendations to previously proposed mitigation measure to ensure that they are specific, quantifiable, and enforceable. The County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities. In the event of bat occurrence, the County will initiate avoidance techniques and notification as suggested by CDFW. Pursuant to CDFW recommendation, Mitigation Measure 3.4-5c will be modified to include consultation with CDFW as follows:*

***3.4-5c (Minimization).** If a non-breeding bat colony is detected during pre-construction surveys, a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction. ~~The~~ individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.*

The CDFW recommended a minimum 50-foot no-disturbance buffer during Project activity or postponement of the Project until repeat surveying documents bats are no longer roosting. The Mitigation Measure 3.4-5d includes the requirement for a buffer area. However, pursuant to CDFW recommendation, Mitigation Measure 3.4-5d will be modified to as follows:

***3.4-5d (Avoidance of Maternity Roosts).** If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 ~~to 100~~ feet as determined appropriate by the qualified biologist in consultation with the CDFW.*

Comment Subject: Table ES-1 Mitigation Monitoring and Reporting Program

Comment: The MMRP assigns “Governing Entity” as the agency responsible for ensuring that Mitigation Measures are implemented. It is the Project Proponent and Lead Agency’s responsibility to ensure these measures are feasible, measureable, implemented, and enforced.

Response: *The “Governing Entity” was a place holder in the Draft MMRP and was inadvertently not edited to reflect the County’s responsibility for monitoring and compliance. As such, the “Governing Entity” and “Governing Entity established for operating the Wastewater System Services” have been changed to “Tulare County RMA” or “County of Tulare” to clearly indicate that the County is responsible for monitoring compliance with the mitigation measures. These changes have been incorporated into the MMRP presented in Table ES-1 (Chapter 1, Executive Summary) and Table 8-1 (Chapter 8, Mitigation Monitoring and Reporting Program).*

Comment Subject: Federally Listed Species

Comment: As take under the Federal Endangered Species Act is more broadly defined than the California Endangered Species Act, the CDFW recommends consultation with the USFWS well in advance of any ground-disturbing activities.

Response: *The County routed the Notice of Preparation and the Notice of Availability for the Project to the USFWS for review. To date, the County has not received any comments from the USFWS. Mitigation Measures 3.4-2a, 3.4-3a, 3.4-4b, and 3.4-5b require that pre-construction surveys be conducted. As such, the County will notify and consult with the USFWS if pre-construction surveys identify species of federal concern.*

Comment Subject: Environmental Data

Comment: The letter requests that special status species and natural communities detected during Project surveys be reported to the California Natural Diversity Database (CNDDDB). The letter provides links to the CNDDDB survey form and types of information reported to CNDDDB, as well as an email address for survey submittal.

Response: *In the event that any special status species or any natural communities are detected during pre-construction surveys or during Project-related construction activities, the County will report such surveys to the CNDDDB as requested by the CDFW.*

Comment Subject: Filing Fees

Comment: Pursuant to Fish and Game Code, CDFW filing fees are payable upon filing of the Notice of Determination (NOD) in order for the Project approval to be operative, vested, and final.

Response: *The County is aware of and will pay applicable NOD fees at the time of filing with the County Clerk.*

Comment Subject: Conclusion

Comment: The letter indicates the CDFW's appreciation for the opportunity to comment on the Project, and provided a link to the CDFW protocol website as well as contact information for continued coordination.

Response: *The County appreciates the CDFW's review of the Project, the evaluation of and recommendations for mitigation measures, and the provision of contact information and useful web links. The County looks forward to continued cooperation with the CDFW for this and other future projects.*

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

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

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

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) E-mail and letter received from Ms. Linda Moua, November 21, 2017, for Traver Community Wastewater System Improvements Project, SCH #. 20170081024
(2) Table 8-1 Mitigation Monitoring and Reporting Program (as prepared in the Final EIR)

cc: file

From: "Moua, Linda@Wildlife" <Linda.Moua@Wildlife.ca.gov>
To: "HGuerra@co.tulare.ca.us" <HGuerra@co.tulare.ca.us>
CC: "jwillis@co.tulare.ca.us" <jwillis@co.tulare.ca.us>, "Robison,Renee@Wildlife" <Renee.Robison@Wildlife.ca.gov>
Date: 11/21/2017 12:15 PM
Subject: Traver Community Wastewater System, SCH # 2017081024
Attachments: TraverWastewater_DEIR.pdf

Good afternoon,

Please see attached letter. Hard copy to follow by mail.

Thank you,

Linda Moua
Staff Services Analyst
Department of Fish and Wildlife
Central Region 4
1234 East Shaw Avenue
Fresno, CA 93710
559-243-4014 ext 232
Linda.Moua@Wildlife.ca.gov<mailto:Linda.Moua@Wildlife.ca.gov>

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SaveOurWater.com<https://urldefense.proofpoint.com/v2/url?u=http-3A__saveourwater.com_&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=YXm262t5Y68q01ayHt7qqQYqoNwPrhaPEaEEDLkoyQ0&m=wPdqvNExiStt4gFBcZoFZJ6mbdDZekZKdxJkQzflqP8&s=eYTs3fU8Zg-Q0vXFtRJ3UoJtqf8e10-8N6eAlGmKs8U&e=>> *

Drought.CA.gov<https://urldefense.proofpoint.com/v2/url?u=http-3A__drought.ca.gov_&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=YXm262t5Y68q01ayHt7qqQYqoNwPrhaPEaEEDLkoyQ0&m=wPdqvNExiStt4gFBcZoFZJ6mbdDZekZKdxJkQzflqP8&s=EcRkVGXk2AfAz185A4CU1ItXKundxB2B_AtKBGNXwg&e=>>



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

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



November 21, 2017

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

Subject: Traver Community Wastewater System Project (Project)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2017081024

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from Tulare County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

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

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County

Objective: The Project seeks to improve the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the collection system are needed to increase capacity and reliability, to extend service to existing residences and businesses currently not being served, and to serve infill areas within the community that are expected to develop in the future. Improvements to the treatment plant are needed to increase capacity, reliability, efficiency, and effectiveness to better serve the community. Construction activities associated with improving the collection system will include trenching and installing pipeline. Construction activities associated with the treatment plant improvements include (1) improving the lift station; (2) constructing a new headworks; (3) installing two 50,000-60,000-million-gallon-per-day package plants, one standby generator, and groundwater monitoring wells; and (4) miscellaneous site work and building repairs.

Location: The unincorporated community of Traver, Tulare County, California (36.4541, -119.4846).

Timeframe: Construction planned to occur from August 2018 to August 2019, over a period of 120 working days.

COMMENTS AND RECOMMENDATIONS

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

The DEIR indicates that the Project area has the potential to support several special-status species. Therefore, the Project has the potential to significantly impact biological resources. CDFW recognizes that the DEIR outlines mitigation measures to reduce

impacts to biological resources. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding potential Project-related impacts to (1) the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), (2) the State species of special concern burrowing owl (*Athene cunicularia*), (3) the State threatened Swainson's hawk (*Buteo swainsoni*), (4) birds, and (5) bats. Concerns, comments, and recommendations regarding these biological resources are described below.

I. Mitigation Measure and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Mitigation Measure 3.4.2b

Issue: Mitigation Measure 3.4-2a describes focused preconstruction surveys for SJKF. This measure states that "if an active kit fox den is detected within or immediately adjacent to the area of work, the United States Fish and Wildlife Service (USFWS) and CDFW shall be contacted immediately to determine the best course of action." While CDFW agrees that SJKF detection warrants consultation, CDFW recommends describing the minimum radius around the Project area that preconstruction surveys will cover. In addition, Mitigation Measure 3.4-2b describes avoidance measures for SJKF. Specifically this measure states that if SJKF are found "during pre-construction surveys, the project will avoid the habitat occupied by the kit fox..." CDFW advises including specific, quantifiable, and enforceable avoidance measures within the DEIR. As currently written, this measure does not provide guidance regarding no-disturbance buffers surrounding occupied habitat and dens. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SJKF are found during preconstruction surveys or Project activities.

Specific impact: Without appropriate and enforceable mitigation measures, potentially significant impacts to SJKF occurring in the Project area include inadvertent entrapment of SJKF and disturbance of den sites occupied by SJKF. The impacts have the potential to result in den abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: SJKF den in right-of-ways, vacant lots, etc., and populations can fluctuate over time. Although the DEIR describes the likelihood of SJKF occurring within the Project area as low, presence/absence in any one year is not necessarily a reliable indicator of SJKF potential to occur on a site. SJKF may be attracted to the Project area due to the type and level of ground-disturbing activities (i.e. trenching, etc.) and the loose, friable soils resulting from intensive ground disturbance associated with the Project. Furthermore, very little habitat suitable for SJKF remains in northern Tulare County (Cypher et al. 2013). As a result, impacts to SJKF associated with the Project have the potential to significantly impact local populations.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SJKF to less than significant, CDFW recommends changing Mitigation Measure 3.4-2b by incorporating the following changes.

Mitigation Measures 3.4-2b: SJKF Avoidance

In accordance with the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011), CDFW advises delineating no-disturbance buffers around occupied dens. Specifically, a minimum 50-foot no-disturbance buffer around potential and atypical (i.e. man-made) dens and a minimum 100-foot no-disturbance buffer around known den sites is advised.

Recommended Mitigation Measure 1: SJKF Take Authorization

If surveys find that SJKF are occupying the Project area and cannot be avoided, CDFW may issue an Incidental Take Permit authorizing take of SJKF, pursuant to Fish & Game Code § 2081(b). Take authorization is issued only when take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species. CDFW recommends adding provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SJKF occupy the Project area.

COMMENT 2: Burrowing Owl (BUOW)

Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c

Issue: Mitigation Measure No. 3.4-3a describes preconstruction surveys for BUOW “within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use.” However, depending on the timing of construction activities, surveys conducted within 30 days of Project initiation may not be sufficient to detect BUOW occupancy. Also, as currently drafted, this measure only relates to heavy disturbance activities, although other less disruptive activities can also impact BUOW. In addition, Mitigation Measure No. 3.4-3b describes implementation of a 250-foot no-disturbance buffer around active owl nest burrows if construction activities occur during the breeding season, as defined in the DEIR as February 1–August 31. However, depending on the level of disturbance associated with Project activities, these buffers may not be sufficient in avoiding impacts to BUOW. Further, Mitigation Measure No. 3.4-3c describes passive relocation of BUOW found occupying the Project area. However, according to CDFW’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method and this measure does not describe how the impact of evicting owls would be mitigated to a less than significant level.

Specific impact: The DEIR includes passive relocation of BUOW as a mitigation measure. In addition, Project activities include ground disturbance in the form of trenching. Without appropriate avoidance and minimization measures for BUOW, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality.

Evidence impact is potentially significant: The Project area is within the range of BUOW and, as described in the DEIR prepared for the Project, it supports potentially suitable burrow and foraging habitat. Habitat loss and degradation are considered the greatest threats to BUOW in California’s Central Valley (Gervais et al. 2008). BUOW rely on burrow habitat year round for their survival and reproduction. If BUOW are evicted from burrows without either artificial burrows in place to replace them or suitable adjacent natural habitat, the Project has the potential to significantly affect local BUOW populations. In addition, and as described in CDFW’s *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), passively relocating and excluding BUOW is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to BUOW to less than significant, CDFW recommends changing Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c by incorporating the following changes.

Mitigation Measure 3.4-3a: BUOW Preconstruction Surveys

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

Mitigation Measure 3.4-3b: Avoidance of Active BUOW Nests

CDFW recommends no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Mitigation Measure 3.4-3c: Passive Relocation of Resident BUOW

If BUOW are found to occupy the Project area and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is

confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

COMMENT 3: Swainson's Hawk (SWHA)

Mitigation Measures 3.4-4b and 3.4-4c

Issue: Mitigation Measure 3.4-4b describes preconstruction surveys for nesting migratory birds and raptors, including SWHA, within 30 days of the onset of Project activities. However, dependent upon when construction is initiated, surveys for Swainson's hawk within this timeframe may not be sufficient to detect newly initiated nests. In addition, Mitigation Measure 3.4-4c describes that a biologist will determine appropriate no-disturbance buffers around active bird nests, but does not specify a minimum buffer size for SWHA. In addition, the DEIR does not include a provision describing pursuit of take authorization in the event that SWHA are found during preconstruction surveys.

Specific impact: The DEIR describes the potential removal of mature trees during development. In addition, depending on the timing of construction, Project activities including noise, vibration, odors, and movement of workers or equipment could also affect nests and have the potential to result in nest abandonment. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with the Project include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity of the Project. In addition, review of aerial imagery indicates that the Project area includes agricultural fields planted in low-growing crops such as alfalfa and wheat, which may provide foraging habitat for SWHA. The Project area is surrounded by intensively managed agricultural land. Therefore, the presence of these two requisite habitat features increases the likelihood of occurrence of SWHA within the Project area. In the San Joaquin Valley, suitable nest trees may be a limiting factor for SWHA occupation and reproduction. As a result, loss of suitable nest trees, particularly in proximity to foraging habitat has the potential to significantly impact local SWHA

(CDFW 2016). In addition, CDFW considers removal of known raptor nest trees, even outside of the nesting season, a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To reduce Project-related impacts to SWHA to less than significant, CDFW recommends changing Mitigation Measures 3.4-4b and 3.4-4c by incorporating the following changes.

Mitigation Measure 3.4-4b: Preconstruction SWHA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. Specifically, CDFW recommends that surveys be completed for at least two survey periods immediately prior to the Project's initiation. SWHA TAC identifies survey periods as follows: (I) January to March 20, (II) March 20 to April 5, (III) April 5 to April 20, (IV) April 21 to June 10, and (V) June 10 to July 30. In addition, SWHA TAC identifies differing levels of survey effort depending on the survey period during which surveys take place. Specifically, one survey is recommended during survey period I, while three surveys are recommended during survey periods II, III, and V. SWHA TAC advises against initiating surveys during survey period IV and advises only monitoring known nest sites during this survey period. In addition, if ground-disturbing Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Mitigation Measure 3.4-4c: SWHA Buffers

If an active SWHA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 2: SWHA Take Authorization

If surveys find that nesting SWHA occur within ½-mile of the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, an Incidental Take Permit authorizing take of SWHA, pursuant to Fish & Game Code § 2081(b) is required prior to the start of ground or vegetation disturbing activities to comply with CESA. CDFW recommends adding

provisions for seeking take authorization as a mitigation and minimization measure in the DEIR, should SWHA occupy the Project area.

II. Editorial Comments and/or Suggestions

Mitigation Measures

Mitigation Measure 3.4-2c: This measure describes implementing minimization measures (i.e. traffic restrictions, covering pipes, etc.) during construction to reduce impacts to SJKE. CDFW recommends that this measure cite implementation of measures outlined in the US Fish and Wildlife Service's "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011).

Mitigation Measures 3.4-4b through 3.4-4c for Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

The Project area likely provides nesting habitat for birds. CDFW encourages Project implementation occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

While Mitigation Measure 3.4-4b describes preconstruction surveys for nesting birds within 30 days of Project initiation, CDFW recommends that a qualified wildlife biologist conduct pre-construction surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral

changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

Mitigation Measure 3.4-4c describes implementing construction-free buffers around active nests and that the size of these buffers will be determined by a biologist. However, CDFW recommends implementing a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Mitigation Measures 3.4-5c through 3.4-5d for Bats: CDFW has jurisdiction over actions with potential to result in take of non-game mammals, pursuant Fish and Game Code § 4150. The DEIR outlines potential for pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis californicus*), recognized as State species of special concern, to occur in the Project area. Mitigation Measures 3.4-5c through 3.4-5d describe eviction of non-breeding and maternity bat roosts and colonies if avoidance is not possible. However, CDFW recommends that bats not be disturbed without specific notice to and consultation with CDFW. If a bat roost is detected, CDFW advises a minimum 50-foot no-disturbance buffer during Project activity, or postponing Project activity until repeat surveying documents that bats no longer use the roost. If avoidance or postponement is not feasible, CDFW recommends submission of a request for a reduced buffer or a Bat Eviction Plan to CDFW for written approval prior to implementation. CDFW advises that a request for a reduced buffer include a rationale describing the adequate protection of the roost. CDFW further advises that a request to evict bats from a roost include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed.

Table ES-1 Mitigation Monitoring and Reporting Program: The Mitigation Monitoring and Reporting Program (Table ES-1) included in the DEIR assigns monitoring responsibility to an unnamed "Governing Entity" in Mitigation Measures 3.4-2b-c, 3.4-3b-c, 3.4-4a and c, and 3.4-5a, c, and d of the Biological Resources section. CDFW recommends the entity responsible for monitoring compliance with these measures be specifically named. Please note that CDFW is only responsible for exercising regulatory authority as provided by the Fish and Game Code for issuance of permits (Fish & G. Code, § 1600 et seq., § 2081 et seq.) and enforcement actions related to take of

species protected under CESA (Fish & G. Code, § 2050 et seq.). Therefore, it is the responsibility of the Project and the Lead Agency to ensure that mitigation measures listed in the DEIR are feasible, measureable, and implemented and enforced.

Federally Listed Species

CDFW also recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

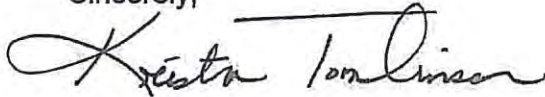
CONCLUSION

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

Hector Guerra, Chief Environmental Planner
Tulare County
November 21, 2017
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More information on survey and monitoring protocols for sensitive species can be found at the CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by email at Renee.Robison@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Tomlinson". The signature is fluid and cursive, with a long horizontal line extending from the end.

for Julie A. Vance
Regional Manager

cc: Timothy Ludwick
United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

REFERENCES

- CBOC, 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. March 7, 2012.
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- Cypher, B. L., S. E. Phillips, P. A. Kelly, 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25-31.
- Gervais, J. A., D. K. Rosenberg, and L. A. Comrack, 2008. Burrowing Owl (*Athene cunicularia*) In California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (W. D. Shuford and T. Gardali, editors). Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley of California. Swainson's Hawk Technical Advisory Committee. May 31, 2000.
- USFWS, 2011. Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service. January 2011.

CHAPTER 8

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project (State Clearinghouse No. 2017081024). The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 requires the Lead Agency decision making body, when approving a project and certifying the EIR, to also adopt a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be monitored and reported. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon the recommendations by those responsible for the MMRP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by alpha-numeric symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, BIO 3.4-1 would be the first Mitigation Measure identified in the Biological analysis of the draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the Mitigation Measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring that

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should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Method to Verify Compliance,” identifies the requirements for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to clearly indicate that the County is responsible for ensuring that individual Mitigation Measures have been complied with and monitored.

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

Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
BIOLOGICAL RESOURCES						
Valley Elderberry Longhorn Beetle						
Impact: Three elderberry shrubs were located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to “take” of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.						
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction personnel or equipment shall enter the elderberry avoidance area, except for as	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.		

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Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided under <i>Mitigation Measure 3.3.3b</i> below.							
3.4-1b (Construction Monitoring) If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of "take" that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement ("conservation area"), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of	During construction-related activities.	On-going during construction-related activities	County of Tulare	Construction manager with oversight by qualified biologist.			

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**Table 8-1
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					Initials	Date
1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type) or purchasing an equivalent number of credits at a VELB mitigation bank.						
San Joaquin Kit Fox						
Impact: <i>The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.</i>						
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS <i>Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas.. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.		

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Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.						
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox . In accordance with the USFWS, <i>Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required..	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.		
3.4-2c (Minimization). In accordance with the USFWS <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), construction activities shall be carried	During construction.	As needed during construction.	County of Tulare	Determination by qualified biologist.		

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Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification	During Construction.	Ongoing throughout construction.	County of Tulare	Qualified biologist working with USFS and/or CFW			

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.							
Burrowing Owl							
Impact: As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993) within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		Remarks																								
					Initials	Date																									
<p>nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW <i>Staff Report on Burrowing Owl Mitigation</i> (2012) to employ the following:</p> <table><tr><th>Location</th><th>Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th></th><th></th><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table> <p>The buffer areas 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.</p>	Location	Time of Year	Level of Disturbance					Low	Medium	High	Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m	Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m						
Location	Time of Year	Level of Disturbance																													
		Low	Medium	High																											
Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m																											
Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m																											
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m																											
<p>3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of</p>	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.																											

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Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.						
Nesting and Migratory Birds						
<p>Impact: The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeer may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.</p>						

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
3.4-4a (Avoidance). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (2000) which employs the following:	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

Survey Period	Survey Dates	Survey Time	Number of Surveys Needed
I	January – March 20	All day	1
II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3
III	April 5 – April 20	Sunrise – 1200; 1630 – Sunset	3
IV	April 21 – June 10	Monitoring sites only	Initiating surveys is not recommended
V	June 10 – July 30	Sunrise – 1200; 1600 – Sunset	3

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Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.						
3.4-4c (Establish Buffers). 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.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.		
Roosting Bats						

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Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
Impact: <i>Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.</i>							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and 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 construction.	Ongoing throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees 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 start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
<i>If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction. The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.</i>						
3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 feet as determined appropriate by the qualified biologist in consultation with the CDFW ..	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.		
CULTURAL RESOURCES:						
Impact: <i>There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix "C" of the IS/MND Traver Community Plan (also Appendix "C" of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5-1 and 3.5-2.</i>						
3.5-1 If, in the course of construction or operation within the Project area, any	During Construction	Daily or as needed throughout the	County of Tulare via field	A qualified archaeologist		

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).		construction period if suspicious resources are discovered	evaluation of the resource finds by a qualified archaeologist	shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.	Initials	Date

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.5-3 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 [that is, unanticipated] discovery or recognition of any human remains in any location other than a	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human			

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
<p>dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 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"> 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: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, 				remains found, consistent with all applicable laws including CEQA.		

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1 Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance Initials Date Remarks
<p>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/her 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>					
TRANSPORTATION/TRAFFIC					

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

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

Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
Impact: <i>The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property's access driveway. It is possible that Project construction-related activities would temporarily impact vehicle travel lanes while the pipelines are being installed underneath roadways.</i>						
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare upon request		
TRIBAL CULTURAL RESOURCES						
Impact: <i>Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.</i>						
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to		

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.				mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
<p>3.17-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] 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"> 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"> The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and 	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist, the County Coroner, and tribal representatives.	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
<p>b. If the coroner determines the remains to be Native American:</p> <ul style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or <p>2. Where the following conditions occur, the landowner or his/her 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> <ul style="list-style-type: none"> a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely 						

Mitigation Monitoring and Reporting Program
 Final Environmental Impact Report SCH#2017081024
 Traver Community Wastewater System Project

Table 8-1 Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
					Initials	Date
descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendant.						

Attachment 5

Comments Received from State Water
Resources Control Board, December 1, 2017,
and County Response to Comments

From: Hector Guerra
To: Sahil@Waterboards Pathak
CC: Jessica Willis; Ahmad@Waterboards Kashkoli; Cedric@Waterboards Irving
Date: 11/27/2017 3:47 PM
Subject: RE: (8365-110) Traver WW Project

Thank you Mr. Pathak,

We will proceed with the CEQA process and hope to have our Board of Supervisors certify/approve on Dec. 19th.

We will contact you regarding the SRF in the future.

Best Regards,

Hector

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov> 11/27/2017 3:04 PM >>>
Good afternoon Mr. Guerra,

I looked at the CEQAnet database and the CEQA review period for the project (SCH No.2017081024) that started on 10/13/2017 and ended on 11/13/2017. Since the review period is over.. I think you should go ahead with the process of certifying the environmental document as a lead agency. We checked our files and didn't find the State Clearinghouse notification that we usually get to comment on CEQA documents.

If you have questions about SRF environmental package requirements, please don't hesitate to contact me.

Sincerely,

Sahil Pathak
Environmental Scientist
Division of Financial Assistance
State Water Resources Control Board
Office: (916) 319-0220
Sahil.Pathak@waterboards.ca.gov
Please consider our environment before printing this email

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Monday, November 27, 2017 2:36 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

As this is the CEQA process, I need comments to satisfy the Lead Agencies responsibility in duly notifying Responsible/Trustee Agencies in soliciting comments as they pertain to their agency's purview. It is my understanding that once CEQA is satisfied, we can then proceed to the CWSRF environmental package requirements.

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>
11/27/2017 2:30 PM >>>
Hector,

Do you need Water board comments on your EIR outside of the public circulation period, or do you have questions about the CWSRF environmental package requirements?

Our contact information is available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A__www.waterboards.ca.gov_water-5Fissues_program_s_grants-5Floans_environmental-5Frequirements.shtml&d=DwIFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLC0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21I&m=KgEQJqOppfkFDcT9BIPYjGXkuZvk3Sk37twswPIDdPg&s=wZYL7Xg2kAWLZtX1GT2j0a4vvFTNKfhGtRTCNVsGo&e=

Cedric

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Monday, November 27, 2017 2:25 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

Can you please provide Mr. Pathak's phone number. I would like to call him to speak to him in person.

Thank you!

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>
11/27/2017 1:40 PM >>>
Hello Hector,

It looks like the Traver project has a different environmental reviewer, Mr. Sahil Pathak. The review period has ended for the Traver EIR, but I do not believe we have been given the opportunity to comment, and no environmental documents have yet been submitted for that CWSRF application. Please let Mr. Pathak know of the environmental status at your earliest convenience.

As for the Matheny DEIR and referenced EIR, please let me know if you have any questions.

Best Regards,

Cedric Irving
Environmental Scientist
Division of Financial Assistance | SWRCB
Phone: 916-341-6983
Resources:

https://urldefense.proofpoint.com/v2/url?u=http-3A__go.usa.gov_3HKXB&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLC0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=OskX--0HoAnEOenKETcaXUnFcoTQhyNeZ-JOiOusuzw&s=KcXJdwb5ix5YyMddcGmEf7zLLUH50JDWp9wt7NNZ-nA&e=

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Monday, November 27, 2017 10:33 AM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>
Subject: RE: Traver WW Project

Hi Cedric,

The comments you provided show "Matheny Tract" SCH No. 2017011028 whereas "Traver" has SCH No.2017081024.

Please let me know if you can provide comments a.s.a.p. for this project too.

Best Regards,

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>
11/20/2017 8:29 AM >>>
Hello Jessica,

Here is a copy of our comments on the RDEIR, for your convenience.

Best Regards,

Cedric Irving
Environmental Scientist
Division of Financial Assistance | SWRCB
Phone: 916-341-6983

Resources:

https://urldefense.proofpoint.com/v2/url?u=http-3A__go.usa.gov_3HKXB&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLC0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=tPZlvkrRO7bt4PfTBhEBiVA-bZo0w9dQpppN7f000E&s=gd6lu0zwDtFz3kq1pBZOOGPmzAKQiumA5o3S_E2oUck&e=

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Thursday, November 16, 2017 5:27 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>
Subject: Traver WW Project

Hi Cedric,

As I will be out of the office tomorrow, please copy the comment letter to jwillis@co.tulare.ca.us. Jessica can be reached at 559-624-7121.

Thank you!

Hector

From: Hector Guerra
To: Jessica Willis
Date: 12/4/2017 9:12 AM
Subject: Fwd: RE: (8365-110) Traver WW Project

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov> 12/1/2017 12:37 PM >>>
Good afternoon Mr. Guerra,

Thank you for the opportunity to comment on the DEIR.

Please see comments below from the State Water Board.

1. Please make sure that the Project description of the CEQA document is consistent with the description of the Project Report.

2. The Proposed Planning Study Area (Figure 2; Biological Evaluation - Live Oak Associates) shows the area where potential impacts were assessed on the biological resources. Did the District consider impacts on biological resources along the pipeline alignment - Merrit Drive, Road 44, Burkner Drive and Old State Highway 99? Please Clarify whether the District conducted reconnaissance survey along the pipeline alignment.

3. Are there jurisdictional water bodies within the Project footprint? Please Clarify.

In addition to the comments above, please ensure that the following federal environmental requirements are met:

A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.

B. A public meeting or hearing must be held for adoption/certification of all environmental documents, except for those with little to no environmental impacts.

C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.

F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Sincerely,

Sahil Pathak
Environmental Scientist
Division of Financial Assistance
State Water Resources Control Board
Office: (916) 319-0220
Sahil.Pathak@waterboards.ca.gov
Please consider our environment before printing this email

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Tuesday, November 28, 2017 3:31 PM
To: Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Thank you, I found out that SCH sent the DEIR to Region 10.

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov>
11/28/2017 3:27 PM >>>
Thank you Mr. Guerra,

I will look over the documents and provide comments by COB Friday.

Sincerely,
Sahil.

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Tuesday, November 28, 2017 2:46 PM
To: Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Sahil,

Here is the link to the Traver WW System Project

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

Best Regards,

Hector

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov>
11/27/2017 3:04 PM >>>
Good afternoon Mr. Guerra,

I looked at the CEQAnet database and the CEQA review period for the project (SCH No.2017081024) that started on 10/13/2017 and ended on 11/13/2017. Since the review period is over.. I think you should go ahead with the process of certifying the environmental document as a lead agency. We checked our files and didn't find the State Clearinghouse notification that we usually get to comment on CEQA documents.

If you have questions about SRF environmental package requirements, please don't hesitate to contact me.

Sincerely,

Sahil Pathak
Environmental Scientist
Division of Financial Assistance
State Water Resources Control Board
Office: (916) 319-0220
Sahil.Pathak@waterboards.ca.gov
Please consider our environment before printing this email

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

From: Hector Guerra [<mailto:HGuerra@co.tulare.ca.us>]
Sent: Monday, November 27, 2017 2:36 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

As this is the CEQA process, I need comments to satisfy the Lead Agencies responsibility in duly notifying Responsible/Trustee Agencies in soliciting comments as they pertain to their agency's purview. It is my understanding that once CEQA is satisfied, we can then proceed to the CWSRF environmental package requirements.

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>
11/27/2017 2:30 PM >>>
Hector,

Do you need Water board comments on your EIR outside of the public

circulation period, or do you have questions about the CWSRF environmental package requirements?

Our contact information is available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.waterboards.ca.gov_water-5Fissues_program_s_grants-5Floans_environmental-5Frequirements.shtml&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLc0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=KgEQJqOppfkFDcT9BIPYjGXkuZvk3Sk37twswPIDdPg&s=wZYLe7Xg2kAWLZtX1GT2j0a4vvFTNKfhGtKRTCNVsGo&e=

Cedric

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Monday, November 27, 2017 2:25 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

Can you please provide Mr. Pathak's phone number. I would like to call him to speak to him in person.

Thank you!

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>
11/27/2017 1:40 PM >>>
Hello Hector,

It looks like the Traver project has a different environmental reviewer, Mr. Sahil Pathak. The review period has ended for the Traver EIR, but I do not believe we have been given the opportunity to comment, and no environmental documents have yet been submitted for that CWSRF application. Please let Mr. Pathak know of the environmental status at your earliest convenience.

As for the Matheny DEIR and referenced EIR, please let me know if you have any questions.

Best Regards,

Cedric Irving
Environmental Scientist
Division of Financial Assistance | SWRCB

Phone: 916-341-6983

Resources:

https://urldefense.proofpoint.com/v2/url?u=http-3A__go.usa.gov_3HKXB&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLC0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=OskX--0HoAnEOenKETcaXUnFcoTQhyNeZ-JOiOusuzw&s=KcXJdwb5ix5YyMddcGmEf7zLLUH50JDWp9wt7NNZ-nA&e=

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]

Sent: Monday, November 27, 2017 10:33 AM

To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>

Cc: Jessica Willis <JWillis@co.tulare.ca.us>

Subject: RE: Traver WW Project

Hi Cedric,

The comments you provided show "Matheny Tract" SCH No. 2017011028 whereas "Traver" has SCH No.2017081024.

Please let me know if you can provide comments a.s.a.p. for this project too.

Best Regards,

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>

11/20/2017 8:29 AM >>>

Hello Jessica,

Here is a copy of our comments on the RDEIR, for your convenience.

Best Regards,

Cedric Irving

Environmental Scientist

Division of Financial Assistance | SWRCB

Phone: 916-341-6983

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https://urldefense.proofpoint.com/v2/url?u=http-3A__go.usa.gov_3HKXB&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLC0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=tPZlvkrRO7bt4PfTBhEBiVA-bZo0w9dQpppN7f000E&s=gd6lu0zwDtFz3kq1pBZOQgPmzAKQiumA5o3S_E2oUck&e=

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]

Sent: Thursday, November 16, 2017 5:27 PM

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Cc: Jessica Willis <JWillis@co.tulare.ca.us>

Subject: Traver WW Project

Hi Cedric,

As I will be out of the office tomorrow, please copy the comment letter

to jwillis@co.tulare.ca.us. Jessica can be reached at 559-624-7121.

Thank you!

Hector



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277.

PHONE (559) 624-7000
FAX (559) 730-2653

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

December 6, 2017

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

Subject: Response to Comments, DEIR – Traver Community Wastewater System Improvements Project, SCH# 2017081024

Dear Mr. Pathak,

Thank you for providing the California Water Boards, State Water Resources Control Board (State Water Board or Water Board) response regarding DEIR – Traver Community Wastewater System Improvements Project, SCH#. 20170081024.

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

Comment 1: "Please make sure that the Project description of the CEQA document is consistent with the description of the Project Report."

Response: *The State Water Board does not identify the implied inconsistencies between the Plan of Study and the DEIR. The Project description in the Plan of Study is fundamentally the same as that in the DEIR. The minor differences between the two are that the Plan of Study states that new WDR permits will be required (page 2-1), that all of the existing and future sewage collection system will consist of gravity mains (page 3-1), and improvement to the headworks will include a 12-inch gravity main on Merritt Drive; (page 3-1); while the DEIR states that the existing WDR permits will likely require modifications, all of the existing and future sewage collection system will consist of either gravity mains or force mains, and that the headworks will include a 12-inch gravity main or equivalent on Merritt Drive (page ES-2, and 2-2 thru 2-3).*

The Project description in the EIR was intended to include the alternative discussed on page 3-3 of the Plan of Study which states, "As an alternative to the proposed all-gravity sewage collection system, a lift station and force main option was considered. For this option, the lift station would be located east of the railroad on the north side of Merritt Drive and discharge to a new gravity main on Merritt Drive..." As the alternative to be implemented has not been determined and the Project has not yet received funding, it is appropriate to include both alternatives for the collection system in the Project description and subsequent environmental analysis.

Comment 2: “The Proposed Planning Study Area (Figure 2; Biological Evaluation - Live Oak Associates) shows the area where potential impacts were assessed on the biological resources. Did the District consider impacts on biological resources along the pipeline alignment - Merrit Drive, Road 44, Burkner Drive and Old State Highway 99? Please clarify whether the District conducted reconnaissance survey along the pipeline alignment.”

Response: *An on-site reconnaissance survey was not performed specifically for this Project. However, the Biological Evaluation included in Appendix C of the EIR was conducted for the Traver Community Plan Update and included mitigation measures applicable to development projects within the whole of the community. As discussed in Chapter 3.4 of the DEIR, in addition to the Biological Evaluation, the County assessed potential impacts on biological resources specific to the Project area; specifically, the County conducted a CNDDB search of the 9-quad area surrounding the Project site. Furthermore, the County will incorporate project design features requiring pre-construction surveys by a qualified biologist prior to the initiation of any active construction-related activities to ensure appropriate actions are taken to protect sensitive species if such species are encountered.*

Comment 3: “Are there jurisdictional water bodies within the Project footprint? Please Clarify.”

Response: *The Project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR).*

Comment 4: “In addition to the comments above, please ensure that the following federal environmental requirements are met:”

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

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

“A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.”

Response: *Chapter 5 of the DEIR contains an Alternatives discussion as required by CEQA Guidelines section 15326.*

“B. A public meeting or hearing must be held for adoption/certification of all environmental documents, except for those with little to no environmental impacts.”

Response: *A public hearing by the Tulare County Board of Supervisors is scheduled for December 19, 2017.*

“C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.”

Response: *The Project complies with the Federal Clean Air Act. Chapter 3.3 of the DEIR discusses the air resource. The San Joaquin Valley Unified Air Pollution Control District (Air District) was consulted and has provided comments (see Final EIR) regarding the Project. In summary, the Air District concluded that the Project would not result in any threshold exceedances.*

“D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.”

Response: *The Project is approximately 150 miles east of any coastal zone.*

“E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.”

Response: *The Project will not intrude upon any wetland or waters delineated by the USACE (see Chapter 3.4 of the DEIR).*

“F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.”

Response: *The Project will be constructed within existing rights-of-way; as such, no farmlands of any classification will be impacted (see Chapter 3.2 of the DEIR).*

“G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.”

Response: *The Project will be constructed within existing rights-of-way; as such, no critical habitat that can be used by migratory birds will be impacted (see Chapter 3.4 of the DEIR).*

“H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.”

Response: The FEMA FIRM maps (numbers 06107C0605E and 06107C0615E) show that approximately half of the proposed sewer system collection pipelines would be located in Flood Zone A (100 Year Flood Zone – no base flood elevations determined). The remainder of the pipelines and the existing WWTP are located in Flood Zone X (outside floodplain). (See Chapter 3.9 of the DEIR). Exhibit 7 referenced in the footnote on page 3.9-28 of the DEIR is included for your reference.

- “I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.”

Response: The Kings River is located approximately 3.5 miles northwest of the Project site. However, the portion of Kings River that is designated a wild/scenic is located approximately 40 miles northeast of the Project site.

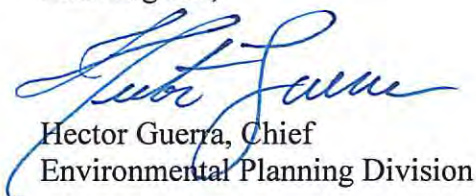
The Final EIR will be taken to the Tulare County Board of Supervisors on December 19, 2017, for consideration of certification. The Final EIR will be available on December 8, 2017, at the following website:

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

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

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

Best Regards,

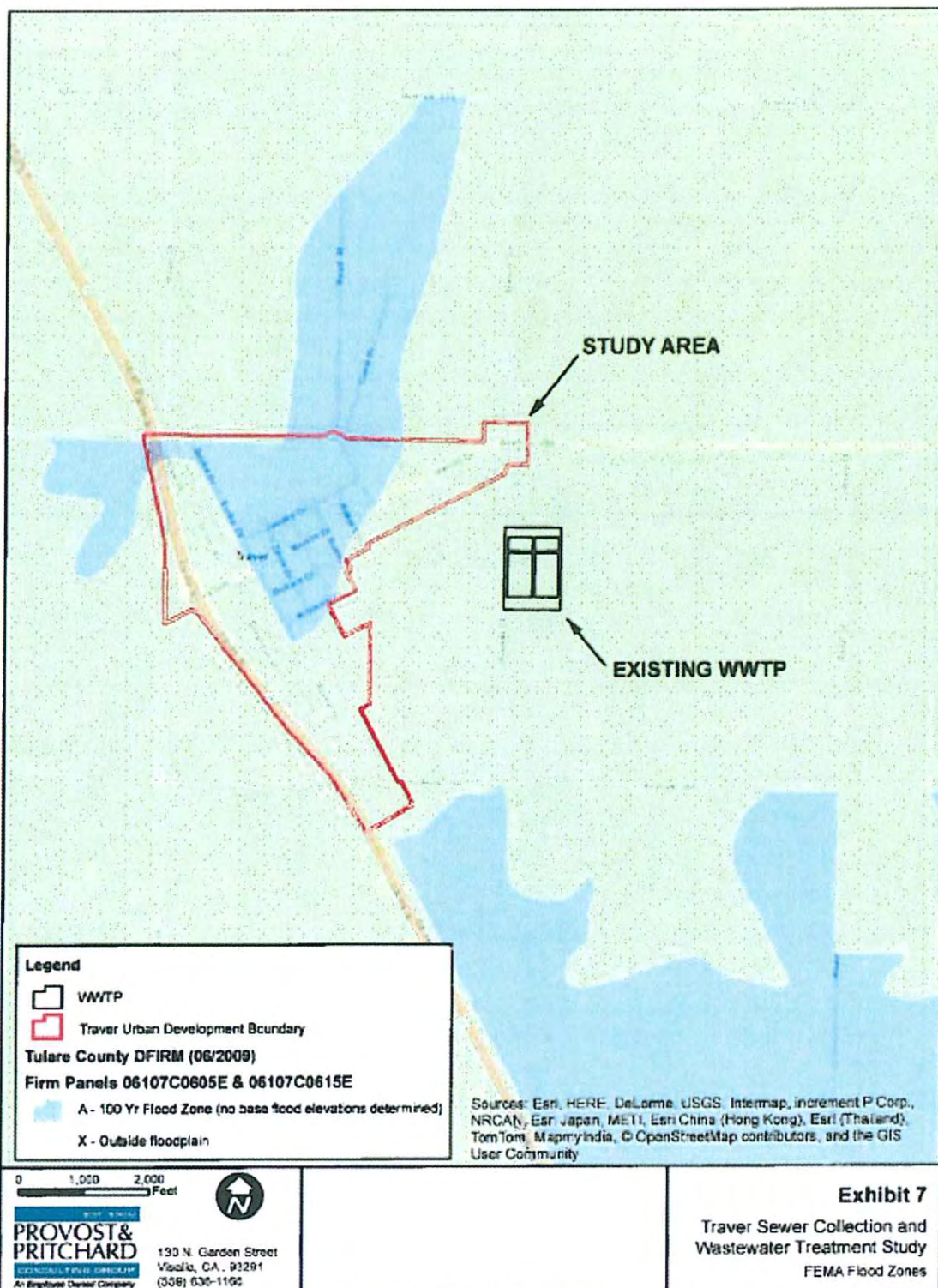


Hector Guerra, Chief
Environmental Planning Division

Attachments:

- (1) E-mail with SWRCB comments, received from Mr. Sahil Pathak, December 1, 2017, for Traver Community Wastewater System Improvements Project, SCH #. 20170081024.
- (2) Exhibit 7- FEMA Flood Zones, Traver Community Sewer Collection and Wastewater Treatment Evaluation, Supplement to Study Prepared in June 2005, Provost & Pritchard Consulting Group, September 2014.

cc: file



From: Hector Guerra
To: Jessica Willis
Date: 12/4/2017 9:12 AM
Subject: Fwd: RE: (8365-110) Traver WW Project

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov> 12/1/2017 12:37 PM >>>
Good afternoon Mr. Guerra,

Thank you for the opportunity to comment on the DEIR.

Please see comments below from the State Water Board.

1. Please make sure that the Project description of the CEQA document is consistent with the description of the Project Report.

2. The Proposed Planning Study Area (Figure 2; Biological Evaluation - Live Oak Associates) shows the area where potential impacts were assessed on the biological resources. Did the District consider impacts on biological resources along the pipeline alignment - Merrit Drive, Road 44, Burkner Drive and Old State Highway 99? Please Clarify whether the District conducted reconnaissance survey along the pipeline alignment.

3. Are there jurisdictional water bodies within the Project footprint? Please Clarify.

In addition to the comments above, please ensure that the following federal environmental requirements are met:

A. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.

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C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

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G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Sincerely,

Sahil Pathak
Environmental Scientist
Division of Financial Assistance
State Water Resources Control Board
Office: (916) 319-0220
Sahil.Pathak@waterboards.ca.gov
Please consider our environment before printing this email

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Tuesday, November 28, 2017 3:31 PM
To: Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Thank you, I found out that SCH sent the DEIR to Region 10.

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov>
11/28/2017 3:27 PM >>>
Thank you Mr. Guerra,

I will look over the documents and provide comments by COB Friday.

Sincerely,
Sahil.

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

From: Hector Guerra [mailto:HGuerra@co.tulare.ca.us]
Sent: Tuesday, November 28, 2017 2:46 PM
To: Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Sahil,

Here is the link to the Traver WW System Project

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

Best Regards,

Hector

>>> "Pathak, Sahil@Waterboards" <Sahil.Pathak@Waterboards.ca.gov>

11/27/2017 3:04 PM >>>

Good afternoon Mr. Guerra,

I looked at the CEQAnet database and the CEQA review period for the project (SCH No.2017081024) that started on 10/13/2017 and ended on 11/13/2017. Since the review period is over.. I think you should go ahead with the process of certifying the environmental document as a lead agency. We checked our files and didn't find the State Clearinghouse notification that we usually get to comment on CEQA documents.

If you have questions about SRF environmental package requirements, please don't hesitate to contact me.

Sincerely,

Sahil Pathak
Environmental Scientist
Division of Financial Assistance
State Water Resources Control Board
Office: (916) 319-0220
Sahil.Pathak@waterboards.ca.gov
Please consider our environment before printing this email

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

From: Hector Guerra [<mailto:HGuerra@co.tulare.ca.us>]

Sent: Monday, November 27, 2017 2:36 PM

To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>

Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak,

Sahil@Waterboards

<Sahil.Pathak@Waterboards.ca.gov>

Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

As this is the CEQA process, I need comments to satisfy the Lead Agencies responsibility in duly notifying Responsible/Trustee Agencies in soliciting comments as they pertain to their agency's purview. It is my understanding that once CEQA is satisfied, we can then proceed to the CWSRF environmental package requirements.

Hector

>>> "Irving, Cedric@Waterboards" <cedric.irving@waterboards.ca.gov>

11/27/2017 2:30 PM >>>

Hector,

Do you need Water board comments on your EIR outside of the public

circulation period, or do you have questions about the CWSRF environmental package requirements?

Our contact information is available here:

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.waterboards.ca.gov_water-5Fissues_program_s_grants-5Floans_environmental-5Frequirements.shtml&d=DwlFAg&c=LIH32oy6OBtmot7tcUOx1EUIJYTUxwihlBYC0z2BYZI&r=1WHtYLc0_7PCM87OJlia18ttu1KXtfBnui-D4wkj21l&m=KgEQJqOppfkFDcT9BIPYjGXkuZvk3Sk37twswPIDdPg&s=wZYL7Xg2kAWLZtX1GT2j0a4vvFTNKfhGtKRTCNVsGo&e=

Cedric

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

From: Hector Guerra [mailto:HGuerro@co.tulare.ca.us]
Sent: Monday, November 27, 2017 2:25 PM
To: Irving, Cedric@Waterboards <cedric.irving@waterboards.ca.gov>
Cc: Jessica Willis <JWillis@co.tulare.ca.us>; Pathak, Sahil@Waterboards <Sahil.Pathak@Waterboards.ca.gov>
Subject: RE: (8365-110) Traver WW Project

Hi Cedric,

Can you please provide Mr. Pathak's phone number. I would like to call him to speak to him in person.

Thank you!

Hector

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11/27/2017 1:40 PM >>>
Hello Hector,

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Best Regards,

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Phone: 916-341-6983

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Environmental Scientist

Division of Financial Assistance | SWRCB

Phone: 916-341-6983

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Cc: Jessica Willis <JWillis@co.tulare.ca.us>

Subject: Traver WW Project

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to jwillis@co.tulare.ca.us. Jessica can be reached at 559-624-7121.

Thank you!

Hector

CHAPTER 8

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project (State Clearinghouse No. 2017081024). The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 requires the Lead Agency decision making body, when approving a project and certifying the EIR, to also adopt a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be monitored and reported. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon the recommendations by those responsible for the MMRP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by alpha-numeric symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, BIO 3.4-1 would be the first Mitigation Measure identified in the Biological analysis of the draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the Mitigation Measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring that

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Method to Verify Compliance,” identifies the requirements for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to clearly indicate that the County is responsible for ensuring that individual Mitigation Measures have been complied with and monitored.

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1
Mitigation Monitoring and Reporting Program

Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
Valley Elderberry Longhorn Beetle							
Impact: Three elderberry shrubs were located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to “take” of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.							
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction personnel or equipment shall enter the elderberry avoidance area, except for as	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

Mitigation Monitoring and Reporting Program
Final Environmental Impact Report SCH#2017081024
Traver Community Wastewater System Project

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided under <i>Mitigation Measure 3.3.3b</i> below.							
3.4-1b (Construction Monitoring) If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of “take” that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement (“conservation area”), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of	During construction-related activities.	On-going during construction-related activities	County of Tulare	Construction manager with oversight by qualified biologist.			

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1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type) <i>or</i> purchasing an equivalent number of credits at a VELB mitigation bank.							
San Joaquin Kit Fox							
Impact: <i>The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.</i>							
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS <i>Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas.. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			

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immediately adjacent to the area of work, the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.							
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS, <i>Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-2c (Minimization). In accordance with the USFWS <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), construction activities shall be carried	During construction.	As needed during construction.	County of Tulare	Determination by qualified biologist.			

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out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification	During Construction.	Ongoing throughout construction.	County of Tulare	Qualified biologist working with USFS and/or CFW			

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must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.							
Burrowing Owl							
<i>Impact: As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.</i>							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993) within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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<p>nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW <i>Staff Report on Burrowing Owl Mitigation</i> (2012) to employ the following:</p> <table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table> <p>The buffer areas 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.</p>	Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m	Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m						
Location			Time of Year	Level of Disturbance																									
	Low	Medium		High																									
Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m																									
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Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m																									
3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.																									

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the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.							
<i>Nesting and Migratory Birds</i>							
<i>Impact:</i> The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeers may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.							

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3.4-4a (Avoidance). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.																											
3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson’s Hawk Technical Advisory Committee <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (2000) which employs the following: <table border="1"><tr><td>Survey Period</td><td>Survey Dates</td><td>Survey Time</td><td>Number of Surveys Needed</td></tr><tr><td>I</td><td>January – March 20</td><td>All day</td><td>1</td></tr><tr><td>II</td><td>March 20 – April 5</td><td>Sunrise – 1000; 1600 to Sunset</td><td>3</td></tr><tr><td>III</td><td>April 5 – April 20</td><td>Sunrise – 1200; 1630 – Sunset</td><td>3</td></tr><tr><td>IV</td><td>April 21 – June 10</td><td>Monitoring sites only</td><td>Initiating surveys is not recommended</td></tr><tr><td>V</td><td>June 10 – July 30</td><td>Sunrise – 1200; 1600 – Sunset</td><td>3</td></tr></table>	Survey Period	Survey Dates	Survey Time	Number of Surveys Needed	I	January – March 20	All day	1	II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3	III	April 5 – April 20	Sunrise – 1200; 1630 – Sunset	3	IV	April 21 – June 10	Monitoring sites only	Initiating surveys is not recommended	V	June 10 – July 30	Sunrise – 1200; 1600 – Sunset	3	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA	County of Tulare	Field survey by a qualified Biologist.			
Survey Period	Survey Dates	Survey Time	Number of Surveys Needed																												
I	January – March 20	All day	1																												
II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3																												
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If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.							
3.4-4c (Establish Buffers). 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.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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Roosting Bats							
Impact: Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and 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 construction.	Ongoing throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees 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 start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, a 50-foot no-disturbance buffer area	Implemented only if sensitive	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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<i>will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction. The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.</i>	species are encountered.						
3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 feet as determined appropriate by the qualified biologist in consultation with the CDFW.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
CULTURAL RESOURCES:							
Impact: <i>There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix “C” of the IS/MND Traver Community Plan (also Appendix “C” of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5.-1 and 3.5-2.</i>							

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3.5-1 If, in the course of construction or operation within the Project area, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.5-3 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 [that is, unanticipated] discovery or recognition of any human remains in any location other than a	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human			

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<p>dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 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"> 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: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, 				remains found, consistent with all applicable laws including CEQA.			

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<p>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/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>							

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TRANSPORTATION/TRAFFIC							
<i>Impact: The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property’s access driveway. It is possible that Project construction-related activities would temporarily impact vehicle travel lanes while the pipelines are being installed underneath roadways.</i>							
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare upon request			
TRIBAL CULTURAL RESOURCES							
<i>Impact: Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.</i>							
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions			

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					Initials	Date	Remarks
of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.				that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
<p>3.17-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] 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"> 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"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no 	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist, the County Coroner, and tribal representatives.	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Mitigation Monitoring and Reporting Program
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Traver Community Wastewater System Project

Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>investigation of the cause of death is required; and</p> <p>b. If the coroner determines the remains to be Native American:</p> <p>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</p> <p>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.</p> <p>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</p> <p>2. Where the following conditions occur, the landowner or his/her 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>							

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

ERRATA AND AFFECTED AND CORRECTED PAGE(S) OF THE EIR

Executive Summary

Page ES-15: Table ES-1 Mitigation Monitoring and Report Program: Formatting of the chapter to keep headers with the discussions (page ES-7) and elimination of page breaks (page ES-12) has resulted in Table ES-1 to now be on page ES-14. With the exception of the table number in the title, the information is the same as Table 8-1. See Table 8-1 Mitigation Monitoring and Report Program below.

Chapter 3.4 Biological Resources

Page 3.4-25: Checklist Item 3.4 b): The general format of discussion is to identify Project Impact Analysis, Cumulative Impact Analysis, Mitigation Measures, and Conclusion. The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

➤ “Mitigation Measures: *None Required*”

Page 3.4-25: Checklist Item 3.4 c): For consistency with general format, the Cumulative Impact Analysis should read as follows:

➤ “Cumulative Impact Analysis: *No Cumulative Impact*”

Page 3.4-26: Checklist Item 3.4 d): The conclusory statement of the Project Impact Analysis should identify a less than significant impact consistent with the analysis provided throughout the discussions under this Checklist Item. The discussion should read as follows:

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

As indicated earlier... The proposed Project site fits neither criterion. Therefore, *No Less Than Significant Project-specific Impacts related to this Checklist Item will occur.*”

Page 3.4-28: Checklist Item 3.4 f): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: *None Required*”

Chapter 3.6 Geology and Soils

Page 3.6-10 : Checklist Item a): The checklist item for “Strong seismic ground shaking” is identified as sub-item i). As it is the second subject in this checklist item, it should read as follows:

- **“ii) Strong seismic ground shaking”**

Chapter 3.10 Land Use & Planning

Page 3.10-8: Checklist Item c): The summary of the significance of the project was inadvertently left off of the Conclusion; however the discussion did appropriately identify the significance. The Conclusion should read as follows:

- “Conclusion: *No Impact*”

Chapter 3.13 Population & Housing

Page 3.13.-9: Checklist Item 3.13 a): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: *None Required*”

Chapter 3.15 Recreation

Page 3.15.-9: Checklist Item 3.15 b): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: *None Required*”

Chapter 3.17 Tribal Cultural Resources

Pages 3.17-9: Checklist Item 3.17 a): References throughout this discussion refer to Mitigation Measures 3.17-1 and 3.17-2 as Mitigation Measures 17-1 and 17-2. The Mitigation Measures should read as “3.17-1” and “3.17-2” consistent with the MMRP and general format throughout the Draft EIR.

Chapter 3.18 Utilities and Service Systems

Page 3.18.-9: Checklist Item 3.18 b): The Mitigation Measures were inadvertently not included. The Conclusion also identifies only the cumulative impacts rather than both the project-specific and cumulative impacts. Checklist Item 3.18 b) should read as follows:

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

The proposed Project ... Therefore, Project-specific impacts would be ***Less Than Significant with Mitigation.***”

- “Cumulative Impact Analysis: ~~***No—Impact***~~ ***Less Than Significant With Mitigation***

The geographic area... As described in the various impact areas in Chapter 3 of this document, ~~***No***~~ ***Less Than Significant Cumulative Impacts*** would occur.”

- “Mitigation Measures: ***See Mitigation Measures 3.4-1 through 3.4-5, 3.5-1 through 3.5-3, 3.16-1, and 3.17-1 through 3.17-2***”

- “Conclusion: ~~***No***~~ ***Less Than Significant Cumulative Impact***

As noted previously, Project-specific impacts would be ~~less than significant~~ ***Less Than Significant With Mitigation***, and there would be ~~***No***~~ ***to Less Than Significant Cumulative Impacts*** related to this Checklist Item.”

Page 3.18.-10: Checklist Item 3.15 c): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: ***None Required***”

Page 3.18.-10: Checklist Item 3.15 d): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: ***None Required***”

Page 3.18.-10: Checklist Item 3.18 e): The Mitigation Measures were inadvertently not included. The Conclusion also identifies only the cumulative impacts rather than both the project-specific and cumulative impacts. Checklist Item 3.18 e) should read as follows:

- “Cumulative Impact Analysis: ~~No Impact~~Less Than Significant

The geographic area ... As described in the various impact areas in Chapter 3 of this document, ~~No~~Less Than Significant Cumulative Impacts would occur.”

- “Mitigation Measures: See Mitigation Measures 3.4-1 through 3.4-5, 3.5-1 through 3.5-3, 3.16-1, and 3.17-1 through 3.17-2”

- “Conclusion: ~~No~~Less Than Significant Cumulative Impact

As noted previously, Project-specific impacts would be ~~less than significant~~Less Than Significant With Mitigation, and there would be ~~No~~Less Than Significant Cumulative Impacts related to this Checklist Item.”

Page 3.18.-11: Checklist Item 3.18 f): The Mitigation Measures were inadvertently not included. The Cumulative Impact Analysis provides conclusions for both project-specific and cumulative impacts, while the Conclusion includes only cumulative impacts. Checklist Item 3.18 f) should read as follows:

- “Cumulative Impact Analysis: ~~No~~Less Than Significant Impact

The geographic area ... As the Project would comply with applicable General Plan policies and there is adequate capacity at landfills to accommodate any solid waste resulting from the Project, there would be ~~No Project-specific or~~Less Than Significant Cumulative Impacts.”

- “Mitigation Measures: None Required”

- “Conclusion: Less Than Significant Impact

As noted previously, Project-specific and cumulative impacts would be ~~less than significant~~Less Than Significant, and there would be ~~No Cumulative Impact~~ related to this Checklist Item.”

Page 3.18.-12: Checklist Item 3.18 g): The Mitigation Measures were inadvertently not included. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

- “Mitigation Measures: None Required”

Chapter 3.19 Mandatory Findings of Significance

Page 3.19-6: Checklist Item 3.19 a): The analysis for Checklist Item 3.19 a) is divided into two main discussions, one for impacts to special status species and one for impacts to

Page 3.19-6: Checklist Item 3.19 a): The Mitigation Measures identified in the first paragraph of the Project Impact Analysis should be consistent with the measures identified in Chapter 3.4 Biological Resources and should read as follows:

- Page 3.19-7: Checklist Item 3.19 a): The level of significance for item 3.4 d) and 3.4 e) , the level of significance for cumulative impacts, and the mitigation measures should reflect the analysis identified in Chapter 3.4 Biological Resources as follows:

- The Project site does not serve as a fish or wildlife movement corridor. The existing canal banks could potentially serve as a movement corridor for kit fox; however no canals will be disturbed as the sewer collection system and pipelines will be located within existing rights-of-way. **No Less Than Significant Impact** related to this Checklist Item would occur.”

- The proposed Project would not conflict with any policies or ordinances protecting biological resources. ~~No~~**Less Than Significant Impact** related to this Checklist Item would occur.”

- The geographic area of this cumulative analysis is the San Joaquin Valley, the State of California, and the Western United States. As noted in Chapter 3.4, cumulative impacts related to biological resources would be ***Less Than Significant With Mitigation.***”

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Based on the California Historic Resources Information System (CHRIS) search conducted for the Project area, there are two recorded cultural resources within the Project area and two recorded resources within one-half mile. These resources include the Traver Canal, Banks Ditch, Southern Pacific/San Joaquin Railroad, and an historic era road. There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur.”

The CHRIS search and a Sacred Lands File (SLF) search performed by the Native American Heritage Commission (NAHC) did not identify any archaeological resources within the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur.”

The CHRIS and SLF searches did not identify any paleontological resources or unique geological features in the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur.”

The CHRIS search, the SLF search, and consultation with Native American tribes did not identify any known remains or cemeteries within the Project area. ***Less Than Significant Project-specific Impacts With Mitigation*** related to this Checklist Item would occur.”

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Resources, two on-site and two off-site historical (cultural) resources were identified. No responses were received from the tribes that were notified in compliance with AB 52 requirements. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area. However, Mitigation Measures 3.17-1 and 3.17-2 are included in the unlikely event that Native American remains or tribal cultural resources are unearthed during any ground disturbance activities. Implementation of these Mitigation Measures as detailed in Chapter 3.17 would reduce any significant impacts to Less Than Significant.”

“3.17 a) Less Than Significant Impact With Mitigation:

The CHRIS search identified two non-Native cultural resources in the Project area. There is possibility that tribal cultural resources could be unearthed during Project-related ground excavation. **Less Than Significant Project-specific Impacts With Mitigation** related to this Checklist Item would occur.”

“3.17 b) Less Than Significant Impact With Mitigation:

There is possibility that tribal cultural resources could be unearthed during Project-related ground excavation. **Less Than Significant Project-specific Impacts With Mitigation** related to this Checklist Item would occur.”

- **“Mitigation Measure(s): See Mitigation Measures 3.5-1 through 3.5-3.5-3 outlined in Chapter 3.5 and 3.17-1 through 3.17-2 outlined in Chapter 3.17.”**

Page 3.19-9: Checklist Item 3.19 b): The Mitigation Measures identified in the discussion for cumulative impacts to biological species should read as follows:

- **“With implementation of Mitigation Measures 3.4-1 through 3.4-73.4-5, ...”**

Page 3.19-9: Checklist Item 3.19 b): Although discussed in Chapter 4 Cumulative Impacts and identified in Table 4-2 Checklist Items with Less Than Significant Impacts with Mitigation, the conclusion for cumulative impacts on tribal cultural resources and traffic was inadvertently not included in the discussion for this Checklist Item. The conclusions should be included after the Conclusion for Cumulative Impacts to Cultural Resources (Chapter 3.5) and before Checklist Item 3.19 c) as follows:

- **“Conclusion for Cumulative Impacts to Transportation and Traffic (Chapter 3.16):**

Less Than Significant Impact With Mitigation

With implementation of Mitigation Measures 3.16-1, potential Project-specific and cumulative impacts related to this Checklist item would be reduced to ***Less Than Significant Impact With Mitigation.***

- “Conclusion for Cumulative Impacts to Tribal Cultural Resources (Chapter 3.17):

Less Than Significant Impact With Mitigation

With implementation of Mitigation Measures 3.17-1 and 3.17-2, potential Project-specific and cumulative impacts related to this Checklist item would be reduced to ***Less Than Significant Impact With Mitigation.***

Page 3.19-9: Checklist Item 3.19 c): This discussion was inadvertently copied from a different project. The Checklist Item should read as follows:

- “Project Impact Analysis: ***No Less Than Significant Impact With Mitigation***

There are ~~No Environmental Adverse Effects~~***Less Than Significant Impacts With Mitigation*** from this Project on human beings. As discussed in Chapter 3.16 Transportation and Traffic, Checklist Item 3.16c), construction-related activities associated with the project would temporarily impact vehicle travel lanes (roadways) and may temporarily interrupt emergency access to some properties at their driveways while pipes are installed. However, implementation of Mitigation Measure 3.16-1 would reduce these short-term impacts to less than significant. Furthermore, ~~Rather, the Project would result in long-term benefits to the residents of the community by improving the reliability of the existing wastewater system would benefit the community as it would and provide~~ing sanitary disposal of wastewater generated by the community thereby ensuring reliable collection and treatment of wastewater and preserving water quality by avoiding discharging contaminated water into the natural environment.”

- “Cumulative Impact Analysis: ***No 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 traffic report, Tulare County 2030 General Plan, Tulare County General Plan Background Report and/or Tulare County 2030 General Plan EIR.

Implementation of Mitigation Measure 3.16-1 would reduce the short-term, construction-related potential impacts that could result from inadequate emergency access. Therefore, there are ***No Environmental Adverse Effects***

Less Than Significant Impacts With Mitigation from this Project ~~to~~on human beings.”

- “Mitigation Measures: ~~*None Required*~~*See Mitigation Measure 3.16-1 outlined in Chapter 3.16”*
- “Conclusion: ~~*No*~~*Less Than Significant Impact With Mitigation*

There would be ~~No~~**Less Than Significant Impacts With Mitigation** which would cause substantial adverse effects to impacts to human beings either directly or indirectly.”

Chapter 8. Mitigation Monitoring and Reporting Program

Page 8-1: The first paragraph should read as follows:

- “This ~~Draft~~ Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project (State Clearinghouse No. 2017081024). The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.”

Page 8-1: The second paragraph should read as follows:

- “The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 requires the Lead Agency decision making body, when is going to approveing a project and certifying the EIR, that it to also adopt a reporting or monitoring program for those measures placed on a project recommended—to mitigate or avoid significant/adverse effects of the environment identified in the EIR. ...”

Page 8-1: The second bullet point should read as follows:

- “**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 by whom and when compliance will be monitored and reported ~~and to whom it will be report~~. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.”

Page 8-2: The paragraph provides additional description of the purpose of each column of the MMRP and should read as follows:

- “The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the Mitigation Measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Method to Verify Compliance,” identifies the requirements for verification that the Mitigation Measure has been implemented. The last three columns will be used by the ~~Wastewater System Governing Entity once formed~~ Lead Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored.”

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The MMRP provided in the Executive Summary identified potential impacts for which Mitigation Measures were included. These impacts were inadvertently not included in the draft MMRP provided in Chapter 8. As such, these impacts have been added for consistency between the chapters.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The “Governing Entity” and “Governing Entity established for operating the Wastewater System Services” have been changed to “Tulare County RMA” or “County of Tulare” to clearly indicate that Tulare County is responsible for monitoring compliance with the mitigation measures.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The Tribal Cultural Resources section of the MMRP inadvertently duplicated Mitigation Measure 3.17-1 rather than identifying Mitigation Measure 3.17-2 as identified in Chapter 3.17 Tribal Cultural Resources. As such, Mitigation Measure 3.17-2 has been added to the MMRP.

- See Table 8-1 below.

Page 8-3: Table 8-1 Mitigation Monitoring and Report Program: The California Department of Fish and Wildlife (CDFW) provided comments regarding the adequacy of the Mitigation Measures included in the EIR to address Biological Resources. As such, the County has incorporated the CDFW recommendations into the MMRP.

- See Table 8-1 below.

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

Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
Valley Elderberry Longhorn Beetle							
<i>Impact: Three elderberry shrubs were located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to “take” of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.</i>							
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction personnel or equipment shall enter the elderberry avoidance area, except for as	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA Governing Entity.	Governing Entity established for operating the Wastewater System Services County of Tulare	Field survey by a qualified Biologist.			

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Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
provided under <i>Mitigation Measure 3.3.3b</i> below.							
3.4-1b (Construction Monitoring) If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	Governing Entity established for operating the Wastewater System <u>ServicesCounty of Tulare</u>	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	Governing Entity established for operating the Wastewater System <u>ServicesCounty of Tulare</u>	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of “take” that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement (“conservation area”), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of 1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type)	During construction-related activities.	On-going during construction-related activities	Governing Entity established for operating the Wastewater System <u>ServicesCounty of Tulare</u>	Construction manager with oversight by qualified biologist.			

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
or purchasing an equivalent number of credits at a VELB mitigation bank.							
<i>San Joaquin Kit Fox</i>							
<i><u>Impact:</u> The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.</i>							
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS <u>Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</u> (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, <u>the den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of</u>	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with <u>Tulare County RMA</u> Governing Entity .	Governing Entity established for operating the Wastewater System Services <u>County of Tulare</u>	Field survey by a qualified Biologist.			

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

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
action and to initiate the take authorization/permit process if required.							
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS, <i>Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity. County of Tulare Resource Management Agency	Determination by qualified biologist.			
3.4-2c (Minimization). In accordance with the <i>USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as	During construction.	As needed during construction.	Governing Entity. County of Tulare	Determination by qualified biologist.			

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Table 8-1
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	Governing Entity established for operating the Wastewater System Services County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	During Construction.	Ongoing throughout construction.	Governing Entity established for operating the Wastewater System Services County of Tulare	Qualified biologist working with USFS and/or CFW			
Burrowing Owl							
<u>Impact:</u> As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls							

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

Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<i>could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.</i>							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist <u>using the California Burrowing Owl Consortium’s “Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993)</u> within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with <u>Tulare County RMA</u> Governing Entity.	Governing Entity established for operating the Wastewater System Services <u>County of Tulare</u>	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a <u>minimum</u> 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW <u>and in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012)</u> to employ the following:	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity. <u>County of Tulare</u>	Determination by qualified biologist.			

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<table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table>					Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m	Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m							
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<p>The buffer areas 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.</p>																																		
<p>3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure</p>					Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity. <u>County of Tulare</u>	Determination by qualified biologist.																										

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owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. <u>Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.</u>							
<i>Nesting and Migratory Birds</i>							
<i>Impact:</i> <u>The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeers may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.</u>							
3.4-4a (Avoidance). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity. <u>County of Tulare</u>	Determination by qualified biologist.			
3.4-4b (Pre-construction Surveys). <u>A qualified biologist will conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk</u>	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for	Governing Entity established for operating the Wastewater System	Field survey by a qualified Biologist.			

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<u>Nesting Surveys in California's Central Valley (2000) which employs the following:</u> <table><tr><th><u>Survey Period</u></th><th><u>Survey Dates</u></th><th><u>Survey Time</u></th><th><u>Number of Surveys Needed</u></th></tr><tr><td><u>I</u></td><td><u>January – March 20</u></td><td><u>All day</u></td><td><u>1</u></td></tr><tr><td><u>II</u></td><td><u>March 20 – April 5</u></td><td><u>Sunrise – 1000; 1600 to Sunset</u></td><td><u>3</u></td></tr><tr><td><u>III</u></td><td><u>April 5 – April 20</u></td><td><u>Sunrise – 1200; 1630 – Sunset</u></td><td><u>3</u></td></tr><tr><td><u>IV</u></td><td><u>April 21 – June 10</u></td><td><u>Monitoring sites only</u></td><td><u>Initiating surveys is not recommended</u></td></tr><tr><td><u>V</u></td><td><u>June 10 – July 30</u></td><td><u>Sunrise – 1200; 1600 – Sunset</u></td><td><u>3</u></td></tr></table> <p>If project activities must occur during the nesting season (February 1-August 31), <u>the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within 3010 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey</u></p>	<u>Survey Period</u>	<u>Survey Dates</u>	<u>Survey Time</u>	<u>Number of Surveys Needed</u>	<u>I</u>	<u>January – March 20</u>	<u>All day</u>	<u>1</u>	<u>II</u>	<u>March 20 – April 5</u>	<u>Sunrise – 1000; 1600 to Sunset</u>	<u>3</u>	<u>III</u>	<u>April 5 – April 20</u>	<u>Sunrise – 1200; 1630 – Sunset</u>	<u>3</u>	<u>IV</u>	<u>April 21 – June 10</u>	<u>Monitoring sites only</u>	<u>Initiating surveys is not recommended</u>	<u>V</u>	<u>June 10 – July 30</u>	<u>Sunrise – 1200; 1600 – Sunset</u>	<u>3</u>		further study and mitigation. Then mitigation should occur as recommended following coordination with <u>Tulare County RMA Governing Entity</u> .	<u>Services County of Tulare</u>			
<u>Survey Period</u>	<u>Survey Dates</u>	<u>Survey Time</u>	<u>Number of Surveys Needed</u>																											
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will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.							
3.4-4c (Establish Buffers). 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.	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity. <u>County of Tulare</u>	Determination by qualified biologist.			
Roosting Bats							
<u>Impact:</u> <i>Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.</i>							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and 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 construction.	Ongoing throughout construction.	Governing Entity. <u>County of Tulare</u>	Determination by qualified biologist.			
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost	Prior to start of construction.	Once within 30 days of construction, unless pre-construction	Governing Entity established for operating the	Field survey by a qualified Biologist.			

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season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees 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.		survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with <u>Tulare County RMA Governing Entity</u> .	Wastewater System Services <u>County of Tulare</u>				
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, <u>a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action.</u> <u>If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction.</u> ¶The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity <u>County of Tulare</u>	Determination by qualified biologist.			
3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The	Implemented only if sensitive species are encountered.	Throughout construction.	Governing Entity <u>County of Tulare</u>	Determination by qualified biologist.			

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disturbance-free buffer will range from a <u>minimum of 50 to 100</u> -feet as determined <u>appropriate</u> by the <u>qualified</u> biologist in <u>consultation with the CDFW</u> .							
CULTURAL RESOURCES:							
<i><u>Impact: There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix "C" of the IS/MND Traver Community Plan (also Appendix "C" of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5.-1 and 3.5-2.</u></i>							
3.5-1 If, in the course of construction or operation within the Project area, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Governing Entity established for operating the Wastewater System Services <u>County of Tulare</u> via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).							
3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Governing Entity established for operating the Wastewater System Services County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.5-3 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA	During Construction	Daily or as needed throughout the	Governing Entity established for	A qualified archaeologist			

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<p>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 [that is, unanticipated] 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"> 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"> 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: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the 		construction period if suspicious resources are discovered	operating the Wastewater System Services <u>County of Tulare</u> via field evaluation of the resource finds by a qualified archaeologist	shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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<p>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</p> <p>2. Where the following conditions occur, the landowner or his/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>							
TRANSPORTATION/TRAFFIC							
<p><i>Impact:</i> <i>The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property's access driveway. It is possible that Project construction-related activities would temporarily impact</i></p>							

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<u>vehicle travel lanes while the pipelines are being installed underneath roadways.</u>							
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare /Governing Entity established for operating the Wastewater System Services via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to Tulare County /Governing Agency Resource Management Agency upon request			
TRIBAL CULTURAL RESOURCES							
<u>Impact: Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.</u>							
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Governing Entity established for operating the Wastewater System Services <u>County of Tulare</u> via field evaluation of the	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions			

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of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.			resource finds by a qualified archaeologist	that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.17-1 If cultural resources are encountered during project specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Governing Entity established for operating the Wastewater System Services via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
<u>3.17-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during</u>	<u>During Construction</u>	<u>Daily or as needed throughout the construction period if</u>	<u>County of Tulare via field evaluation of the resource finds by</u>	<u>A qualified archaeologist shall document the results of</u>			

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<p><u>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 [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</u></p> <ol style="list-style-type: none"> <u>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</u> <ol style="list-style-type: none"> <u>a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</u> <u>b. If the coroner determines the remains to be Native American:</u> <ol style="list-style-type: none"> <u>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</u> <u>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.</u> <u>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation</u> 		<u>suspicious resources are discovered</u>	<u>a qualified archaeologist, the County Coroner, and tribal representatives.</u>	<u>field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.</u>			

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<u>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</u> 2. <u>Where the following conditions occur, the landowner or his/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</u> a. <u>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.</u> b. <u>The descendant fails to make a recommendation; or</u> c. <u>The landowner or his authorized representative rejects the recommendation of the descendent.</u>							

Executive Summary

This Draft Environmental Impact Report (DEIR) concludes that the proposed Traver Community Wastewater System Project (“Project” or “Proposed Project”) would result in ***No Substantial Impact*** on the environment. The proposed Project will result in improvements to the existing Traver community wastewater collection system and wastewater treatment plant so that the needs of the Traver Community are better served.

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

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

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

The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An Environmental Impact Report (EIR) is a public disclosure document designed to provide local and state governmental agency decision makers with an objective analysis of potential environmental consequences to support informed decision-making. This EIR (State of California Clearinghouse # 2017081024) has been prepared by Tulare County in accordance with CEQA Guidelines §15120 through §15131 and §15161 regulating EIRs to evaluate the environmental consequences of the Project, to discuss alternatives to the proposed Project, and to propose mitigation measures that will offset, minimize or avoid identified significant environmental impacts. This document focuses on issues determined to be potentially significant as discussed in the Initial Study and the public scoping process completed for this

Project, as well as comments received on the Notice of Preparation (NOP) that was initially circulated for 30 days by the County of Tulare County beginning August 10, 2017. On August 31, 2017, a Public Scoping Meeting was held during the NOP comment period at Tulare County RMA Main Conference Room at 5961 South Mooney Boulevard, Visalia, CA to solicit input on the scope of the EIR. (see **Appendix “E”** of this DEIR).

PROJECT DESCRIPTION

The proposed Project will result in improvements to the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the wastewater collection system are needed to extend service to existing residences and businesses that are currently not being served, and to serve infill areas within the community that are expected to develop in the future consistent with the adopted Traver Community Plan 2014 Update. Improvements to the WWTP are needed to increase capacity and reliability to the system while increasing its efficiency and effectiveness so that the WWTP is better able to meet the needs of the community.

Improvements to the existing collection system are needed to accommodate existing and future development, consistent with the adopted Traver Community Plan 2014 Update. The proposed improvements to the collection system are shown diagrammatically on Figure 2-4. Upon completion, all of the existing and future sewage collection system will consist of either gravity mains or force mains. A new lift station will be constructed at the WWTP headworks. The work will include a 12-inch gravity main or equivalent force main on Merritt Drive from Sixth Street (Old Sate Highway 99) to Road 44 and then south along Road 44 to the WWTP. The balance of collection system improvements will include an underground crossing at the railroad at or near Merritt Drive and main extensions from the 12-inch trunk line.

The proposed improvements to the WWTP add reliability to the system while increasing its efficiency and effectiveness. The improvements are also needed to expand capacity to accommodate existing un-sewered and future residential, industrial and commercial development accounted for in the adopted Traver Community Plan 2014 Update. The Regional Water Quality Control Board (RWQCB) will likely require modifications to the WDRs if the WWTP is expanded or its processes are significantly changed. Along with updated WDR's, it is anticipated that the Monitoring and Reporting Requirements that would be issued with the WDR's would include groundwater monitoring requirements. The groundwater monitoring requirements would be used by the Regional Board to verify the effluent discharges via percolation or irrigation do not degrade the underlying groundwater. The monitoring would involve sampling from monitoring wells.

PROJECT LOCATION

The unincorporated Community of Traver is located approximately ten miles northwest of the City of Visalia in Tulare County in California's Central Valley. The proposed Project site is located approximately 50 miles east of the Coastal Range and approximately 30 miles west of the foothills of the Sierra Nevada Mountain Range. The community is generally bound to the north by Avenue 368, to the east by Road 44, to the south by Avenue 360, and to the west by State Route 99.

The topography of Traver comprises a relatively flat, level surface with no major slopes, mountain hillsides, or bodies of water. Traver sits at an approximate elevation of 290 feet above mean sea level. Wastewater collection system improvement will be located within Section 16, and the existing wastewater treatment plant (WWTP) is located within Section 15 of Township 17 South, Range 23 East, Mount Diablo Base & Meridian of the Public Land Survey System. It can be found within the Traver United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

Traver WWTP (Road 44, 0.25 miles south of Avenue 368):

Latitude: 36°17'17.84"N Longitude: 119°28'28.15"W

Avenue 368 and Road 44 (intersection):

Latitude: 36°27'32.22"N Longitude: 119°28'28.37"W

Merrit Drive and Old State Route 99 (intersection):

Latitude: 36°27'10.86"N Longitude: 119°29'20.31"W

PROJECT ELEMENTS

Construction-related activities of the Project are anticipated to take place 8 hours a day for a total of 120 working days (approximately 6 months depending upon weather, holidays, and weekend work). It is anticipated that the Project's construction-related activities would require approximately eight (8) construction workers, depending on daily activities, resulting in an average of approximately 16 to 32 construction vehicle trips per day. Location of the pipeline will require construction activities in the middle of the road with equipment located on one side of the trench and materials and trench spoils on the other side of the trench. This will require continual traffic control around trenching activities. It is anticipated that two-way traffic will be maintained throughout most of the construction period. Construction-related activities of the Project would require temporary staging and storage areas for the materials and equipment.

Permits and approvals would require coordination with the San Joaquin Valley Unified Air Pollution Control District (Air District). The Air District has regulations in place to minimize the release of criteria pollutant emissions, specifically oxides of nitrogen (NO_x) and particulate matter (PM₁₀ and PM_{2.5}), during construction-related activities.

PROJECT OBJECTIVES & BENEFITS

Project Objectives

The following six (6) objectives are desirable if the Project is constructed:

Objective 1: Connection to the existing Traver wastewater treatment facility

Benefit: Improve the existing wastewater treatment system which would provide reliable on-site wastewater removal and treatment services for the Community of Traver;

(provide an average daily flow of 0.2 million gallon per day (mgd) to meet the wastewater disposal requirements of the community.).

Objective 2: *Abandonment of on-site septic tank/leach line systems*

Benefit: Eventual abandonment of the existing individual residential on-site septic tank/leach line systems located within the Community of Traver.

Objective 3: *Beneficial Environmental Impacts*

Benefit: Provide a system that has the least potential to result in adverse environmental impacts and would provide an environmental benefit by eliminating wastewater discharge from on-site system tanks into the ground.

Objective 4: *Protect groundwater supply*

Benefit: Treat collected wastewater so as to remove constituents, such as BOD, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current environmental conditions.

Objective 5: *Cost-Efficiency*

Benefit: Provide the most cost-effective, safe, and reliable means to collect and treat wastewater to Title 22 standards.

Objective 6: *Affordable and Effective*

Benefit: Implement an as affordable fees schedule to efficiently and effectively maintain and operate the wastewater system to enhance the quality of life for Traver residents.

Tulare County Objectives

The Project's purpose is consistent with a summary of key 2030 Tulare County General Plan Policies, 2015-2030 Tulare County Housing Element Policies, and Action Program 9 – Housing Related Infrastructure Needs as stated below:

Key General Plan Policies

Each resource-specific section of Chapter 3 contains a list of applicable General Plan Policies. Following is a summary of the 114 General Plan Policies the Project would support:

AG-1.7 Preservation of Agricultural Lands - The County shall promote the preservation of its agricultural economic base and open space resources through the implementation of resource

management programs such as the Williamson Act, Rural Valley Lands Plan, Foothill Growth Management Plan or similar types of strategies and the identification of growth boundaries for all urban areas located in the County.

AG-1.10 Extension of Infrastructure into Agricultural Areas - The County shall oppose extension of urban services, such as sewer lines, water lines, or other urban infrastructure, into areas designated for agriculture use unless necessary to resolve a public health situation. Where necessary to address a public health issue, services should be located in public rights-of-way in order to prevent interference with agricultural operations and to provide ease of access for operation and maintenance. Service capacity and length of lines should be designed to prevent the conversion of agricultural lands into urban/suburban uses.

AQ-1.3 Cumulative Air Quality Impacts - The County shall require development to be located, designed, and constructed in a manner that would minimize cumulative air quality impacts. Applicants shall be required to propose alternatives as part of the State CEQA process that reduce air emissions and enhance, rather than harm, the environment.

AQ-1.4 Air Quality Land Use Compatibility - The County shall evaluate the compatibility of industrial or other developments which are likely to cause undesirable air pollution with regard to proximity to sensitive land uses, and wind direction and circulation in an effort to alleviate effects upon sensitive receptors.

AQ-1.7 Support Statewide Climate Change Solutions - The County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety Code Section 38501 et seq.), to develop a recommended list of emission reduction strategies. As appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies.

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

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

PFS-3.4 Alternative Rural Wastewater Systems - The County shall consider alternative rural wastewater systems for areas outside of community UDBs and HDBs that do not have current systems or system capacity. For individual users, such systems include elevated leach fields, sand filtration systems, evapotranspiration beds, osmosis units, and holding tanks. For larger generators or groups of users, alternative systems, including communal septic tank/leach field systems, package treatment plants, lagoon systems, and land treatment, can be considered.

HS-1.2 Development Constraints - The County shall permit development only in areas where the potential danger to the health and safety of people and property can be mitigated to an acceptable level.

HS-4.4 Contamination Prevention - The County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

WR-2.1 Protect Water Quality - All major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. The County shall confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site.

WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement - The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program as implemented by the Water Quality Control Board.

PFS-1.8 Funding for Service Providers - The County shall encourage special districts, including community service districts and public utility districts to:

1. Institute impact fees and assessment districts to finance improvements,
2. Take on additional responsibilities for services and facilities within their jurisdictional boundaries up to the full extent allowed under State law, and
3. Investigate feasibility of consolidating services with other districts and annexing systems in proximity to promote economies of scale, such as annexation to city systems and regional wastewater treatment systems.

PF-6.4 UDBs and Interagency Coordination - The County shall use UDBs to provide a definition of an urban area for other planning programs, such as:

1. The area within the UDB should be considered as the same area for which water and sewer system planning may be needed and to be a consideration in the determination of an area required to adequately assess the availability and sufficiency of water supplies.

HS-8.18 Construction Noise - The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

2015-2030 Tulare County Housing Element Policies

Policy 2.21 Require all proposed housing within the development boundaries of unincorporated communities is either (1) served by community water and sewer, or (2) that physical conditions permit safe treatment of liquid waste by septic tank systems and the use of private wells.

Action Program 9 – Housing Related Infrastructure Needs

Provide vital information used for planning and development purposes, target expansion or repair of infrastructure and municipal services to areas with the most need and secure Federal and State funding for housing-related infrastructure. Provide technical assistance to PUDs, CSDs, and Mutual to fund infrastructure improvement and expansion, ensure safe and adequate water and liquid waste disposal, and have an equitable balance of fees between new and existing residents.

PFS-2.5 New Systems or Individual Wells - Where connection to a community water system is not feasible per PFS-2.4: Water Connections, service by individual wells or new community systems may be allowed if the water source meets standards for quality and quantity.

Lastly, all one hundred fourteen (114) Policies are listed in Chapter 7.

Project Benefits Statement

The Project will provide the following public and private benefits to Tulare County:

- 1) Improve the existing wastewater treatment system to provide reliable wastewater removal and treatment services by providing an average daily flow of 0.2 million gallons per day;
- 2) Reduce and/or remove the threat of potential groundwater contamination caused by seepage of wastewater from failing and improperly operating septic systems into the underground water supply in the Community and surrounding areas;
- 3) Design and construct a wastewater system capable of adequately servicing the existing land uses and planned growth within the Traver Community Planning area; and
- 4) Operate and maintain a wastewater system as affordably and cost effectively as possible for the users of the system in the Community of Traver.

SUMMARY OF CHAPTERS

Chapter 1 Introduction

The County of Tulare is proposing a Project for the unincorporated community of Traver that would improve the existing wastewater treatment plant process and the associated sewer collection system.

The unincorporated Community of Traver is located approximately ten miles northwest of the City of Visalia in Tulare County in California's Central Valley. The proposed Project site is located

approximately 50 miles east of the Coastal Range and approximately 30 miles west of the foothills of the Sierra Nevada Mountain Range. The community is generally bound to the north by Avenue 368, to the east by Road 44, to the south by Avenue 360, and to the west by State Route 99.

The topography of Traver comprises a relatively flat, level surface with no major slopes, mountain hillsides, or bodies of water. Traver sits at an approximate elevation of 290 feet above mean sea level. Wastewater collection system improvements will be located within Section 16, and the existing wastewater treatment plant (WWTP) is located within Section 15 of Township 17 South, Range 23 East, Mount Diablo Base & Meridian of the Public Land Survey System. It can be found within the Traver United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

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

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

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

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

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

Chapter 2 Project Description, Objectives, and Environmental Setting

As noted earlier, the County of Tulare is proposing a Project for the unincorporated Community of Traver that would improve the existing wastewater treatment process and the associated sewer collection infrastructure. There are a variety of land uses within the Traver Community. Along SR 99, there is a mix industrial, agricultural, and commercial uses. The west side of SR 99 is dominated by agricultural uses. Merritt Drive is the main arterial facility traversing the community and includes some community serving commercial uses, a bus line, post office, and Traver Elementary School. Residential uses are located on both sides of Merritt Drive.

In summary, Chapter 2 contains the following:

- **Project Location:** the Traver Community is generally bound to the north by Avenue 368, to the east by Road 44, to the south by Avenue 360, and to the west by State Route 99, in Tulare County, California.

- Vicinity of Project Site: Generally, in the northwest quadrant of Tulare County, as shown in Figure 2-1.
- Project Description (baseline conditions information pertinent to the proposed Project): Describes the existing collection system and the proposed improvements and the existing treatment system and the proposed improvements.
- Project Objectives and Benefits: See pages ES-4 and ES-5, or Chapter 2, pages 2-7 and 2-8)
- Regulatory Setting: Applicable statutes, rules, regulations, standards, policies, etc. of the County of Tulare, local or special districts, utilities, and State and Federal governments.

Chapter 3 Impact Analysis of Resources

The CEQA Guidelines include a Checklist of resources that must be addressed in an EIR. These resources are listed on page ES-1. There are 18 specific Resources and Mandatory Findings of Significance discussed in detail in Chapter 3. The Resources are discussed in separate sections of Chapter 3 and each section is structured as follows:

- Summary of Findings;
- Introduction, including Thresholds of Significance;
- Environmental Settings;
- Regulatory Settings such as applicable Federal, State, and Local laws, statutes, rules, regulations, and policies;
- Impact Evaluation including Project Impacts, Cumulative Impacts, Mitigation Measures, and Conclusion;
- Definitions and Acronyms; and
- References.

Some resources required expertise to evaluate the Project's potential for impacts. As such, qualified experts prepared studies, evaluations, assessments, modeling, search results, etc. (studies/technical memoranda/search results; i.e.; supporting documents) to quantify and/or qualify potential resource impacts. The supporting documents are contained in Appendices "A" through "E". Among the studies are air quality and greenhouses gases (Appendix "A"); biological (Appendix "B"); cultural (that is, archaeological, historical, and cultural resources (Appendix "C"); "Traver Community Wastewater System Improvements and its Attachment 1 – Plan of Study" (Appendix "D"); and Notice of Preparation and Public Scoping Meeting, and Agency Comment Letters Received (Appendix "E").

Chapter 4 Summary of Cumulative Impacts

A critically important component of an EIR is the Cumulative Impacts discussion. Chapter 4 discusses a Cumulative Impact Analysis under CEQA. Including Past, Present, Probable Future Projects; and a Summary of Cumulative Impacts. Whereas a project in and of itself may not result in an adverse environmental impact, its cumulative effects may. Therefore the CEQA Guidelines require a discussion of cumulative impacts per Section 15130. The Discussion of Cumulative Impacts defines cumulative impacts per Section 15355 - "Cumulative impacts" refers to two or

more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

With the exception of Air Quality, Greenhouse Gas Emissions, Biological, and Hydrological Resources, Chapter 4 defines Tulare County as the geographic extent of the impact analysis. The geographic area is considered the appropriate extent because:

- 1) The proposed Project is geographically located in Tulare County and the County of Tulare is the Lead Agency; and
- 2) Tulare County General Plan policies apply to the proposed Project.

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

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

The Summary of Cumulative Impacts section discusses mitigable and immitigable impacts. Checklist Item criteria that would result in no impacts or less than significant impacts are discussed in the Chapter 3 and are not reiterated in Chapter 4. As noted in Chapter 4, there are no -Significant and Unavoidable Impacts; and Less Than Significant Impacts With Mitigation are summarized in Table 4-3 (Checklist Items with Less than Significant with Mitigation). There are a number of cumulative impacts that do not need mitigation; these impacts are listed in Table 4-4 (Checklist Items with Less Than Significant Impacts). Chapter 8 contains a complete list of Mitigation Measures to be implemented as part of the proposed Project. Chapter 4 also contains a No Impacts summary in Table 4-5 (Checklist Items with No Impacts).

Chapter 5 Alternatives

CEQA Guidelines Section 15126.6 requires that a reasonable range of Alternatives to the proposed Project be discussed in the EIR. The proposed Project is the superior alternative. The conclusion contained in Chapter 5 is based on the criteria established for the site and the three reasonable Alternatives. The three Alternatives evaluated are:

- Alternative 1 – Sewer Force Main Collection System with Biolac System at WWTF
- Alternative 2 – Connect to Selma-Kingsburg-Fowler Sanitation District
- Alternative 3 – No Build / No Project

The proposed Alternatives were analyzed based on five evaluation criteria which include each of the objectives of the Project and the assessment of the potential environmental impacts. Each

Alternative considered did not meet all the evaluation criteria, as identified in Table 5-2 (Comparison of Alternatives Attaining Evaluation Criteria), contained in Chapter 5. The following is a summary of the Alternatives:

Alternative 1 - Sewer Force Main Collection System With Biolac System at WWTF. The environmental impacts associated with this alternative would be similar to the proposed Project because they both entail a sewer collection system and improvement to the existing WWTF. However, this alternative would likely result in more frequent Sanitary Sewer Overflows which could impact local health safety and contaminate ground water. On-going O&M costs are also higher than the proposed Project. As such, Alternative 1 is not superior to the proposed Project and is not considered a viable alternative.

Alternative 2: – Connect to Selma-Kingsburg-Fowler Sanitation District. This alternative could potentially meet all of the Project objectives, but would not attain all the Alternatives Evaluation Criteria, in particular, providing a system as affordable as possible for the community with the least environmental impact. As a low-income community, the residents would not likely have the resources to afford paying through user fees for the amortized costs of a constructing approximately 5 miles of new pipeline in addition to potential land acquisition fees, on-going O&M costs of the pipeline, and fees to SKF for wastewater treatment services. Further, this Alternative would result in more significant impacts to air quality, agricultural, biological, cultural, greenhouse gas emissions, and noise and traffic resources compared to the proposed Project resulting from development of the new pipeline. Therefore, this Alternative would not meet the criteria as the Environmentally Superior Alternative.

Alternative 3 – No Build / No Project Alternative. The No Project Alternative would avoid all potential construction- and operations-related impacts related to air quality, biological resources, cultural resources, greenhouse gas emissions, noise and traffic resulting from the proposed Project and each of the other Alternatives identified earlier. However, the No Project Alternative would not meet the Evaluation Criteria of eliminating the potentially significant public health-related impacts the community is currently experiencing. Therefore, the consideration of the No Project alternative being the environmentally superior alternative would require the judgment of whether in balance, eliminating or avoiding certain impacts is of greater benefit environmentally than avoiding certain other impacts. The No Project Alternative, while avoiding most impacts related to the physical environment resulting from the Project, would not avoid, resolve, or remedy the existing or future potential impacts related to human health from unsanitary conditions and/or water quality contamination by the continued use of individual septic tanks and leach fields. It would also not allow for potential future development in Traver. Therefore, this Alternative would not meet the criteria as the Environmentally Superior Alternative.

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

Environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative are shown in **Table 5-1 Impacts of Alternatives Compared to the**

Proposed Project. Table 5-2 is a matrix comparing each Alternative's and the Preferred Alternative's abilities to achieve the Evaluation Criteria.

Chapter 6 Economic, Social, & Growth Inducing Impacts

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

- Economic Effects - The proposed Project may result in adverse financial impacts to the community. The Project may result in off-setting benefits for improved quality of life related to public health and property values to the community and immediate vicinity.
- Social Effects - The proposed Project would not result in disproportionate environmental effects on minority populations, low income populations, or Native Americans. The proposed Project does not pose any adverse environmental justice issues that would require mitigation. The project would improve the quality of life for the community.
- Growth Inducing Effects - The proposed Project would not result in significant growth inducing impacts. The Project would serve existing Traver residents, infill development, and any other planned growth outlined and described in the adopted Traver Community Plan 2014 Update . Growth inducing impacts would be less than significant.

The overall conclusion contained in Chapter 6 is implementation of the proposed Project will result in ***Less Than Significant*** environmental impacts, either individually or cumulatively, caused by either economic, social, or growth inducing effects.

Chapter 7 Immitigable Impacts

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

This Project will not result in significant and unavoidable impacts. All impacts have been found to be less than significant, or have been mitigated to a level considered less than significant. Based on the analysis contained in the No Environmental Impacts That Cannot Be Avoided and the No Irreversible Impact sections contained in Chapter 7, a Statement of Overriding Considerations is not necessary. The Project's merits and objectives are discussed in the Project Description and are found to be consistent with the intent of the County of Tulare and its 2030 General Plan. As noted earlier, there are one hundred fourteen (114) General Plan Policies that apply to this Project. Chapter 3 of this document provides a complete list of applicable policies for the specific Resource item discussed. Thus, the Project's benefits would outweigh any unavoidable and immitigable impacts to warrant a Statement of Overriding Considerations.

Chapter 8 Mitigation Monitoring and Reporting Program

A summary of the Mitigation Monitoring and Reporting Program is contained at the end of this Executive Summary and in its entirety in Chapter 8. CEQA Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment. The mitigation monitoring and reporting program is required to ensure compliance during a project's implementation. Consistent with CEQA requirements, the Mitigation Monitoring and Reporting Program contained in this EIR include the following elements:

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

Chapter 9 EIR Preparation

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

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

This EIR also relied on the expertise of the consulting firm AECOM in preparing the "County of Tulare Resource Management Agency Traver Community Wastewater System Improvements Attachment 1 – Plan of Study and Technical Memorandum", which is included as Appendix "D" of this EIR. And, Crawford and Bowen Planning, Inc. (Travis Crawford AICP and Emily Bowen LEED AP, Principal Planners) who prepared the Draft EIR.

SUMMARY OF POTENTIAL IMPACTS & MITIGATION MEASURES

Table ES-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
Valley Elderberry Longhorn Beetle							
Impact: Three elderberry shrubs are located on ruderal land associated with the Foster Farms industrial complex (see Figure 3 [of the Biological Evaluation]), and additional shrubs could theoretically be present in those portions of the orchards and industrial complex that were not accessible/visible at the time of the April 2014 and June 2014 field surveys. Shrubs of the PPSA are unlikely to be inhabited by VELB due to their location within a mosaic of highly disturbed lands and their isolation from riparian areas and other elderberry shrubs. For the same reasons, project-related removal of these shrubs would not constitute significant loss of habitat under CEQA. However, because the USFWS considers the removal of elderberry shrubs below 3,000 feet in elevation with stems greater than one inch in diameter tantamount to “take” of VELB, USFWS incidental take authorization would be required before the shrubs could be removed by project activities.							
3.4-1a (Avoidance) Prior to initiation of a given project within the PPSA, a survey for elderberry shrubs will be conducted by a qualified biologist, unless the entire project area is completely devoid of shrubby vegetation, in which case a elderberry survey is not necessary. If elderberry shrubs are identified during the survey, then they will be avoided. Typically, the USFWS considers a 100-foot disturbance-free buffer around elderberry shrubs complete avoidance. However, a buffer of as little as 20 feet may be arranged in consultation with the USFWS. The buffer will be clearly delineated with orange construction fencing with the appropriate signage posted. This elderberry avoidance area will be clearly marked with signs, fencing, and/or flagging, and maintained for the duration of work in that area. No construction	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			

Draft Environmental Impact Report
Traver Community Wastewater System Project

**Table ES-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
personnel or equipment shall enter the elderberry avoidance area, except for as provided under <i>Mitigation Measure 3.3.3b</i> below.							
3.4-1b (Construction Monitoring) If project activities necessitate temporary entry into the elderberry avoidance area, approval will first be obtained from the USFWS and a qualified biologist will be on-site to monitor such activities for their duration within the avoidance area.	Prior to and during construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist.			
3.4-1c (Employee Education Program). Prior to implementation of projects with elderberry shrubs on site, construction personnel will receive worker environmental awareness training in the identification of the VELB and its host plant.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-1d (Compensation). If it is not feasible to completely avoid all elderberry shrubs, then impacts to the shrubs will be mitigated in accordance with the <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999). This generally involves 1) conducting a protocol-level elderberry survey to assess the degree of “take” that will occur, 2) transplanting the shrubs to on-site or off-site lands protected in perpetuity under conservation easement (“conservation area”), or to a VELB mitigation bank, and 3) replacing each impacted stem with new elderberry plantings at a ratio of	During construction-related activities.	On-going during construction-related activities	County of Tulare	Construction manager with oversight by qualified biologist.			

Draft Environmental Impact Report
Traver Community Wastewater System Project

**Table ES-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
1:1 to 1:8 (depending on stem diameter, presence of beetle exit holes, and habitat type) <i>or</i> purchasing an equivalent number of credits at a VELB mitigation bank.							
<i>San Joaquin Kit Fox</i>							
<i>Impact:</i> The San Joaquin kit fox is unlikely to occur within the PPSA. However, based on past occurrences of kit fox in the 10-mile vicinity of the PPSA, it is remotely possible that individual foxes may pass through and possibly forage on the site from time to time during dispersal movements. If a kit fox were present at the time of future construction activities in the PPSA, then it would be at risk of project-related injury or mortality. Kit fox mortality as a result of future development of the PPSA would violate the state and federal Endangered Species Acts, and is considered a potentially significant impact under CEQA.							
3.4-2a (Pre-construction Surveys). Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS <i>Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011). Specifically the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas.. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the project site and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			

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**Table ES-1
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den shall not be disturbed or destroyed and the USFWS and CDFW shall be contacted immediately to determine the best course of action and to initiate the take authorization/permit process if required.							
3.4-2b (Avoidance). Should a kit fox or evidence of a potential den be found using any of the sites during pre-construction surveys, the project will avoid the habitat occupied by the kit fox. In accordance with the USFWS, <i>Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), a minimum 50-foot no-disturbance buffer area shall be established around potential and atypical (man-made) dens and a minimum 100-foot no-disturbance buffer area shall be established around known den sites. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified immediately to determine the best course of action and to initiate the take authorization/permit process if required.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
3.4-2c (Minimization). In accordance with the USFWS <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> (2011), construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are	During construction.	As needed during construction.	County of Tulare	Determination by qualified biologist.			

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not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.							
3.4-2d (Employee Education Program). Prior to the start of construction the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities.	As needed if special status species are detected.	County of Tulare	Qualified biologist working with USFS and/or CFW			
3.4-2e (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	During Construction.	Ongoing throughout construction.	County of Tulare	Qualified biologist working with USFS and/or CFW			

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Burrowing Owl							
Impact: As discussed in Section 2.5.4, burrowing owls have the potential to nest or roost in the dry-farmed wheat field and along the margins of Banks Ditch and Road 44 adjacent to that field and the corn field to the north. Although highly unlikely due to lack of nearby foraging habitat and high levels of human disturbance, burrowing owls could also conceivably use small mammal burrows located in and around the industrial complex and along road margins elsewhere in the PPSA. If one or more owls were present in these areas at the time of construction, then construction activities would have the potential to injure or kill these individuals. Mortality of individual burrowing owls would violate California Fish and Game Code and the federal Migratory Bird Treaty Act, and is considered a significant impact of the project under CEQA.							
3.4-3a (Pre-construction Surveys). A pre-construction survey for burrowing owls will be conducted by a qualified biologist using the California Burrowing Owl Consortium’s “Burrowing Owl Survey Protocol and Mitigation Guidelines: (1993) within 30 days of the onset of project-related activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
3.4-3b (Avoidance of Active Nests). If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a minimum 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW and in accordance with the CDFW <i>Staff Report on</i>	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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<p><i>Burrowing Owl Mitigation</i> (2012) to employ the following:</p> <table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting sites</td><td>Apr 1 – Aug 15</td><td>200 m</td><td>500 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m</td><td>200 m</td><td>500 m</td></tr><tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr></table> <p>The buffer areas 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.</p>	Location	Time of Year	Level of Disturbance			Low	Medium	High	Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m	Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m						
Location			Time of Year	Level of Disturbance																									
	Low	Medium		High																									
Nesting sites	Apr 1 – Aug 15	200 m	500 m	500 m																									
Nesting sites	Aug 16 – Oct 15	200 m	200 m	500 m																									
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m																									
<p>3.4-3c (Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable burrows outside the 50 foot buffer and up to 160</p>	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.																									

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feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer. Burrow exclusion is to be conducted by a qualified biologist and during non-breeding season after the burrow is confirmed empty through surveillance. Surveillance for exclusion through project site activities are to be conducted consistent with any relocation plans.							
Nesting and Migratory Birds							
<p>Impact: The majority of the PPSA consists of habitat that could be used for nesting by one or more avian species protected by the federal Migratory Bird Treaty Act and related state laws. Two special-status birds, the Swainson's hawk and loggerhead shrike, also have the potential to nest within the PPSA. Orchard trees of the PPSA could be used by mourning doves or American robins, while mature trees bordering the PPSA along the ruderal margin of Highway 99 could be used by the western kingbird, Bullock's and hooded orioles, and various raptors, including the Swainson's hawk. Killdeer may nest on bare ground or gravel surfaces in ruderal or industrial areas of the PPSA, and the house finch may nest in the PPSA's buildings. Cliff swallows could nest in the culverts at Road 44's crossing of Banks Ditch. Raptors and migratory birds nesting within the PPSA at the time that individual projects are implemented have the potential to be injured or killed by project activities. In addition to direct "take" of nesting birds, project activities could disturb birds nesting within or adjacent to work areas such that they would abandon their nests. Project activities that adversely affect the nesting success of raptors and migratory birds or result in the mortality of individual birds constitute a violation of state and federal laws and are considered a potentially significant impact under CEQA.</p>							
3.4-4a (Avoidance). In order to avoid impacts to nesting raptors and migratory birds, individual projects within the PPSA will be constructed, where possible, outside the nesting season, or between September 1st and January 31st.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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<p>3.4-4b (Pre-construction Surveys). A qualified biologist will conduct pre-construction surveys in accordance with the Swainson’s Hawk Technical Advisory Committee <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (2000) which employs the following:</p> <table><tr><td>Survey Period</td><td>Survey Dates</td><td>Survey Time</td><td>Number of Surveys Needed</td></tr><tr><td>I</td><td>January – March 20</td><td>All day</td><td>1</td></tr><tr><td>II</td><td>March 20 – April 5</td><td>Sunrise – 1000; 1600 to Sunset</td><td>3</td></tr><tr><td>III</td><td>April 5 – April 20</td><td>Sunrise – 1200; 1630 – Sunset</td><td>3</td></tr><tr><td>IV</td><td>April 21 – June 10</td><td>Monitoring sites only</td><td>Initiating surveys is not recommended</td></tr><tr><td>V</td><td>June 10 – July 30</td><td>Sunrise – 1200; 1600 – Sunset</td><td>3</td></tr></table> <p>If project activities must occur during the nesting season (February 1-August 31), the project proponent and/or their contractor is responsible for ensuring that implementation does not violate the Migratory Bird Treaty Act or relevant Fish and Game Code, and a qualified biologist will conduct pre-construction surveys for active raptor and migratory bird nests within</p>	Survey Period	Survey Dates	Survey Time	Number of Surveys Needed	I	January – March 20	All day	1	II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3	III	April 5 – April 20	Sunrise – 1200; 1630 – Sunset	3	IV	April 21 – June 10	Monitoring sites only	Initiating surveys is not recommended	V	June 10 – July 30	Sunrise – 1200; 1600 – Sunset	3	Prior to start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
Survey Period	Survey Dates	Survey Time	Number of Surveys Needed																												
I	January – March 20	All day	1																												
II	March 20 – April 5	Sunrise – 1000; 1600 to Sunset	3																												
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10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½ mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.							
3.4-4c (Establish Buffers). 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.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
Roosting Bats							
Impact: Development of the PPSA may result in the removal of buildings and mature trees that provide potential roosting habitat for bats, including special status species such as the pallid bat and western mastiff bat. If trees or buildings removed by construction activities contain colonial roosts, many individual bats could be killed. Such a mortality event is considered a potentially significant impact of the project under CEQA.							
3.4-5a (Temporal Avoidance). To avoid potential impacts to maternity bat roosts, removal of buildings and trees should occur outside of the period between April 1 and September 30, the time frame within which	Prior to construction.	Ongoing throughout construction.	County of Tulare	Determination by qualified biologist.			

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colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.							
3.4-5b (Pre-construction Surveys). If removal of buildings or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist will survey affected buildings and trees 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 start of construction.	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	County of Tulare	Field survey by a qualified Biologist.			
3.4-5c (Minimization). If a non-breeding bat colony is detected during pre-construction surveys, <i>a 50-foot no-disturbance buffer area will be established and the CDFW will be notified to determine the best course of action. If avoidance (including a reduced buffer area) is not feasible, a Bat Eviction Plan shall be prepared by a qualified biologist and approved by the CDFW prior to start of construction.</i> The individuals will be humanely evicted via partial dismantlement of trees or structures prior to full removal under the direction of a qualified biologist to ensure that no harm or “take” of any bats occurs as a result of construction activities.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			

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3.4-5d (Avoidance of Maternity Roosts). If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist deems that the nursery is no longer active. The disturbance-free buffer will range from a minimum of 50 feet as determined appropriate by the qualified biologist in consultation with the CDFW.	Implemented only if sensitive species are encountered.	Throughout construction.	County of Tulare	Determination by qualified biologist.			
CULTURAL RESOURCES							
Impact: <i>There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. As such, the Mitigation Measures contained Appendix "C" of the IS/MND Traver Community Plan (also Appendix "C" of this document) are incorporated in their entirety by reference and are shown as follows as Mitigation Measures 3.5.-1 and 3.5-2.</i>							
3.5-1 If, in the course of construction or operation within the Project area, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within fifty (50) feet of the find shall be ceased. A qualified archaeologist shall be contacted and advise the County of the site's significance. If the findings are deemed significant by the Tulare County Resources Management Agency, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the proposed Project. Where feasible, mitigation	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human			

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achieving preservation in place will be implemented. Preservation in place may be accomplished by, but is not limited to: planning construction to avoid archaeological sites or covering archaeological sites with a layer of chemically stable soil prior to building on the site. If significant resources are encountered, the feasibility of various methods of achieving preservation in place shall be considered, and an appropriate method of achieving preservation in place shall be selected and implemented, if feasible. If preservation in place is not feasible, other mitigation shall be implemented to minimize impacts to the site, such as data recovery efforts that will adequately recover scientifically consequential information from and about the site. Mitigation shall be consistent with CEQA Guidelines section 15126.4(b)(3).				remains found, consistent with all applicable laws including CEQA.			
3.5-2 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human			

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example, activities within 50 feet of the find shall be ceased.				remains found, consistent with all applicable laws including CEQA.			
<p>3.5-3 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 [that is, unanticipated] 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"> 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"> 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: <ol style="list-style-type: none"> i. The coroner shall contact the Native American 	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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<p>ii. Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</p> <p>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</p> <p>2. Where the following conditions occur, the landowner or his/her 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>							

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a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							
TRANSPORTATION/TRAFFIC							
<i>Impact: The Project construction-related activities may temporarily interrupt access to some properties. However, the interruptions would be no longer than a few hours while trenching- and installation-related activities occur at each property's access driveway. It is possible that Project construction-related activities would temporarily impact vehicle travel lanes while the pipelines are being installed underneath roadways.</i>							
3.16-1 Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction to give adequate warning to the public of the construction and of any potentially dangerous condition to be encountered as a result thereof.	During Construction activities	On-going during construction-related activities	County of Tulare via specific contractual requirements and via on-going review of records kept by contractor to document compliance	Maintenance by contractor of documentary evidence of compliance. Such records to be provided to County of Tulare upon request			
TRIBAL CULTURAL RESOURCES							

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Impact: Two on-site resources were identified by the CHRIS and no resources were identified by the Sacred Lands Files (SLF) search. Although all work will be limited to existing, disturbed rights-of-way, it is possible that subsurface discoveries could occur. Also, no responses were received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found at any site within the Project planning area.							
3.17-1 If cultural resources are encountered during project-specific construction or land modification activities work shall stop and the County shall be notified at once to assess the nature, extent, and potential significance of any cultural resources. If such resources are determined to be significant, appropriate actions shall be determined. Depending upon the nature of the find, mitigation could involve avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, activities within 50 feet of the find shall be ceased.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.17-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare via field evaluation of the resource finds by a qualified archaeologist, the County Coroner, and	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be			

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<p>5097). In the event of the accidental [that is, unanticipated] 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"> 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"> 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: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as 			tribal representatives.	taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

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provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							

FINDINGS OF FACT
Traver Wastewater System Project
Tulare County, California
State Clearinghouse Number 2017081024
December 19, 2017

CEQA FINDINGS

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

I

INTRODUCTION

The Board of Supervisors ("Board") of the County of Tulare ("County") intends to approve this Project identified as the Traver Community Wastewater System Project ("Project"). The proposed Project is the improvement to the existing Traver wastewater treatment plant, identified and described in Chapter 1 of the Traver Community Wastewater System Project – Introduction of the Draft Environmental Impact Report (EIR). Project components include a two-phased planned construction of improvements to the lift station, including level controls, check valve replacement and conduit replacement; construction of a new headworks with screen and flow meter; two 50,000-60,000 MGD package plants; standby generator; miscellaneous site work and building repairs; and groundwater monitoring wells.

The unincorporated Community of Traver is located approximately ten miles northwest of the City of Visalia in Tulare County in California's Central Valley. The proposed Project site is located approximately 50 miles east of the Coastal Range and approximately 30 miles west of the foothills of the Sierra Nevada Mountain Range. The community is generally bound to the north by Avenue 368, to the east by Road 44, to the south by Avenue 360, and to the west by State Route 99. Wastewater collection system improvement will be located within Section 16, and the

existing wastewater treatment plant (WWTP) is located within Section 15 of Township 17 South, Range 23 East, Mount Diablo Base & Meridian of the Public Land Survey System. It can be found within the Traver United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

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

II

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE TRAVER COMMUNITY WASTEWATER SYSTEM PROJECT

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

III

FINDINGS REQUIRED CONCERNING ENVIRONMENTAL IMPACTS UNDER CEQA

The recitals contained in the accompanying Resolution have been independently reviewed and considered by the Board, are found to be true, and are hereby adopted in support of approval of the Project.

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

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

A. Environmental Impacts and Mitigation Measures

As to the potentially significant environmental impact identified in the EIR, the Board finds either that: (1) changes or alterations have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes or alterations have been or can be and should be adopted by such agencies; and (3) that no impacts requires specific

economic, legal, social, technological, or other considerations make any of the Mitigation Measures or Project alternatives identified in the EIR infeasible.

1. Project Impacts.

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

a. Impact 3.1 Aesthetics – a) Scenic Vistas

Pursuant to the discussion in Section 3.1 a) of the Final EIR, there will be no substantial adverse effect on a scenic vista. The Board concurs with this analysis.

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

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

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

b. Impact 3.1 Aesthetics – b) Damage Scenic Resources

Pursuant to the discussion in Section 3.1 b) of the Final EIR, there will be less than significant impacts to scenic resources. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the public record of proceedings, the Board finds and declares that the proposed Project will not significantly impact identified scenic resources and will result in a less than significant impact to trees, rock outcroppings, and will not significantly impact historic buildings within a state scenic highway. As such, no mitigation measures are necessary or required.

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

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

c. Impact 3.1 Aesthetics – c) Degrade Visual Character

Pursuant to the discussion in Section 3.1 d) of the Final EIR, there will be less than significant impact to the visual character of the site and its surroundings as a result of the Project. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the public record of proceedings, the Board finds and declares that the proposed Project will not significantly impact the visual character or quality of the site and its surroundings. The Project will result in a less than significant impact to these resources. As such, no mitigation measures are necessary or required.

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

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

d. Impact 3.1 Aesthetics – d) Light and Glare

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

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

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

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

e. Impact 3.2 Agricultural Land and Forestry Resources – a) - e) Farmland Conversion, Williamson Act contract, Conflict with Existing Zoning, Loss or Conversion of Forest Land, Conversion of Ag or Forest Lands to Other Uses

Pursuant to the discussion in Section 3.2 of the Final EIR, there will not be any impact to the surrounding environment involving the loss of farmland as the project will be located within existing rural and semi-rural County and State rights-of-way consisting of paved roadways and

dirt/gravel shoulders; as such, agricultural land would not be impacted. The Board concurs in this analysis.

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

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

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

f. Impact 3.3 Air Quality – a) - c) Air Quality Plan, Violate Quality Standards, Cumulative Net Increase of Criteria Pollutants

Pursuant to the discussion in Section 3.3 of the Final EIR, there will be a less than significant impacts to air quality plans, air quality standards, and criteria pollutant levels. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Project would avoid, mitigate, or substantially lessen any impact from the source emissions from construction and operational equipment which requires permits to operate from the San Joaquin Valley Unified Air Pollution Control District ("SJVUAPCD or Air District"). As such, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and in the Public Record of Proceedings that the Project is subject to typical compliance with applicable Air District rules and regulations that are sufficient to reduce impacts to a level considered less than significant. No mitigation measures are necessary or required.

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

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

Pursuant to the discussion in Section 3.3 of the Final EIR, the Project will not cause a potentially significant impact to the environment and no sensitive receptors were identified within 1/8 mile east of the vicinity of the Project property line. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds

and declares that the Project would avoid, mitigate, or substantially lessen any impact from the source emissions from construction and operational equipment which may require permits to operate from the SJVUAPCD (Air District). As such, no mitigation measures are necessary or required.

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

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

h. Impact 3.3 Air Quality – e) Objectionable Odors

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

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

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that emissions are less than significant. No mitigation measures are necessary or required.

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

i. Impact 3.4 Biological Resources – a) Habitat Modification on Candidate, Sensitive or Special Status Species

Pursuant to the discussion in Section 3.4 a) of the Final EIR, the proposed Project will not cause significant impacts to biological resources with mitigation. The Board concurs with this analysis.

The presence of various special status species in the Project area, including the Valley Elderberry Longhorn Beetle, the San Joaquin Kit Fox, Burrowing Owl, and Roosting Bats has led to the introduction of mitigation measures to mitigate impacts to such species. Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to riparian habitat/sensitive natural community impacts with the implementation of mitigation measures.

Mitigation is set forth in Mitigation Measures 3.4.1 thru 3.4.5. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the County of Tulare, construction contractor, or the County Environmental Assessment Officer. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that Mitigation Measures 3.4-1a thru 3.4.5d would reduce potential impacts to less than significant.

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

j. Impact 3.4 Biological Resources – b) – f) Adverse Effect on Riparian Habitat, Adverse Effect on Federally Protected Wetlands, Interference with Native Resident or Migratory Fish, Policy Conflict, Conflict with Habitat Conservation Plan

Pursuant to the discussion in Section 3.4 b) – f) of the Final EIR, there will be no impacts, or less than significant impacts to riparian habitat, federally protected wetlands, native resident or migratory fish, policy conflicts or confliction with habitat conservation plans. The Board concurs with this analysis.

Accordingly, based on the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other substantial evidence in the Public Record of Proceedings, the Board finds and declares that mitigation measures are not necessary or required to avoid, mitigate, or substantially lessen any impacts to biological resources that might result from the adoption of this project.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that impacts are none existent or less than significant. No mitigation measures are necessary or required.

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

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

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

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

Mitigation is set forth in Mitigation Measures 3.5-1, 3.5-2, and 3.5-3; and 3.17-1 and 3.17-2. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the applicant (County of Tulare), construction contractor, the County Environmental Assessment Officer, County Coroner, Native American Heritage Commission (NAHC), or local Native American organizations. Monitoring shall be the responsibility of the RMA.

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

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

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

Pursuant to the discussion in Section 3.6 a) of the Final EIR, the proposed Project will result in a less than significant impact to the environment involving seismic effects. The Board concurs with this analysis.

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

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

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

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

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

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

In support of this finding, evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings that the proposed Project will not cause significant impacts to soil erosion or topsoil loss. The proposed Project's footprint is mostly over Calgro-Calgro, saline-Sodic complex, 0-2 percent slopes, with a small area consisting of Youd Loam, 0 to 1 percent slopes. Both soils were formed in alluvium derived mainly from granitic rocks; however, the Calgro soil is considered moderately-well-drained soil while Youd Loam is considered somewhat poorly drained. While impacts are anticipated to be less than significant, the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) require a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. Thus, there are less than significant impacts. No mitigation measures are necessary or required.

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

n. Impact 3.6 Geology and Soils – c) Expansive Soils

Pursuant to the discussion in Section 3.6 c) of the Final EIR, the Project site is located on soil types in the area are not conducive to liquefaction because they are either too coarse or too high in clay content. Therefore, there will be less than significant impacts to the environment involving expansive soils. The Board concurs with this analysis.

Accordingly, based on substantial evidence is contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have significant impacts involving soil instability.

In support of this finding, the proposed project would be subject to requirements of the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) requires a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. Compliance with local grading and erosion control ordinances would also help minimize adverse effects associated with erosion and sedimentation. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. No mitigation measures are necessary or required.

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

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

Pursuant to the discussion in Section 3.6 d) of the Final EIR, the Project site is predominantly over soils with a moderate shrink-swell potential. Therefore, there will not be significant impacts involving expansive soil hazards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will have a less than significant impact involving expansive soil hazards.

In support of this finding, the proposed project would implement and comply with federal, State and local regulations as well as General Plan policies which would reduce building construction and run-off and erosion potential impacts associated with the project. Therefore, the development of the project will not expose persons or structures to hazards associated with shrinking and swelling of expansive soils. No mitigation measures are necessary or required.

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

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

Pursuant to the discussion in Section 3.6 e) of the Final EIR, there will not be any significant impacts involving unsuitable soils for domestic waste disposal. Rather, the Project would extend service to existing residents and businesses that are currently not being served, and to serve infill areas within the community that are expected to develop in the future consistent with the adopted Traver Community Plan. There would be no use of septic or alternative wastewater disposal systems. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will have no impact involving suitable soils for domestic waste disposal. Therefore, no mitigation is necessary or required.

In support of this finding, and with no anticipated impacts, the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) require a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. No mitigation measures are necessary or required.

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

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

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

Accordingly, based on substantial evidence in the Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impacts

involving greenhouse gas either directly or indirectly with the use of electrical stationary equipment. Therefore, the impacts are less than significant without mitigation measures.

In support of the evidence contained in the Final EIR and the Public Records of Proceedings, the proposed Project's potential GHG emissions are below Air District Thresholds. No mitigation measures are necessary or required. Further, the Project does not conflict with the Tulare Climate Action Plan, the Tulare County General Plan, the Air District Climate Change Action Plan, or any Air District rules/regulations, for the purpose of reducing greenhouse gas emissions. Lastly, the Project's objectives and components do not conflict with the goals of AB 32 and greenhouse gas reduction. Therefore, the Project is consistent with the aforementioned plans, policies, and regulations.

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

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

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

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

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

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

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

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

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

In support of this finding, the evidence indicates that the storage, transport, and use of these materials would comply with Local, State, and Federal regulatory requirements and implementation of Tulare County General Plan policies would ensure that impacts from the handling, storage, transport, or accidental release of hazardous materials are less than significant. No mitigation measures are necessary or required.

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

- t. Impact 3.8 Hazards and Hazardous Materials – c) Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-quarter Mile of an Existing or Proposed School

Pursuant to the discussion in Section 3.8 c) of the Final EIR, there will be less than significant impacts involving hazardous waste within one-quarter mile of an existing or proposed school. The Board concurs in this analysis.

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

In support of this finding, evidence is contained in the Final EIR that there are no schools within ¼ mile of the wastewater treatment plant; however, a new pipeline will be installed immediately south of the Traver Joint Elementary School within the existing Merritt Drive right-of-way. Impacts to this Checklist Item will be less than significant and no mitigation measures are necessary or required.

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

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

Pursuant to the discussion in Section 3.8 d) of the Final EIR, the Project contains one site has been identified on the EnviroStor Hazardous Waste Site Database; the Traver Elementary School site. As determined by the Phase I conducted in 2002, the school site would not create a significant hazard to the public or the environment. Therefore, No Project-specific Impact would

occur. The Project will not cause any impacts to the environment involving the site proximity to Cortese Listed Sites. The Board concurs in this analysis.

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

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the proposed Project is not contained on a Cortese List site. As such, the Project does not involve any lands that are listed as hazardous materials sites pursuant to Government Code Section 65962.5 and are not included on a list compiled by the Department of Toxic Substances Control. No mitigation measures are necessary or required.

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

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

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

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not have any impacts involving an airport land use plan or is within the vicinity to a private airstrip. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR that the nearest airport (Visalia Municipal Airport) is located more than 10 miles southeast of the Project site. Accordingly, no impacts will occur. No mitigation measures are necessary or required.

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

w. Impact 3.8. Hazards and Hazardous Materials – g) and h) Emergency Response or Evacuation; Wildland Fires.

Pursuant to the discussion in Section 3.8 g) and h) of the Final EIR, there will not be any impacts involving emergency response or evacuation and wildland fires. The Board concurs in this analysis.

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

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project's construction and operation components of an underground

pipeline would not impair implementation of or physically interfere with the County's Public Emergency Evacuation Plan. It is surrounded by irrigated farmland, and is not within a recognized wildland fire hazard area. Accordingly, no impacts will occur. No mitigation measures are necessary or required

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

x. Impact 3.9 Hydrology and Water Quality – a) Water Quality Standards or Waste Discharge Requirements

Pursuant to the discussion in Section 3.9 a) of the Final EIR, there will be less than significant impacts to groundwater quality standards. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not violate any water quality standards or waste discharge requirements. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the proposed Project would require a minimal amount of water to be used during the construction activity phases for dust suppression. Construction and operation of the pipeline would not result in stormwater runoff or the potential for surface or groundwater contamination. No chemicals would be used in the construction or operation of the pipeline that could be discharged into surface or ground water. Further, the applicant will be required to comply with the all requirements of the Regional Water Quality Control Board. No mitigation measures are necessary or required.

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

y. Impact 3.9 Hydrology and Water Quality – b) Substantially Deplete Groundwater Supplies Or Interfere Substantially With Groundwater

Pursuant to the discussion in Section 3.9 b) of the Final EIR, there will be less than significant impacts to water groundwater supplies. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares that the Project will not have any significant impacts involving water quantity. Therefore, no mitigation measures are necessary or required. In addition, cumulatively the Project will have less than significant water impacts as it is part of an overall reduction of water use. The proposed Project will not increase water use and will provide a small beneficial impact by increasing the amount of groundwater that would otherwise be sent to individual septic systems. Minimal water may be used during construction phases for dust suppression. No mitigation measures are necessary or required.

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

z. Impact 3.9 Hydrology and Water Quality – c) – d) Alter the Existing Drainage Pattern

Pursuant to the discussion in Section 3.9 c) and d) of the Final EIR, there will not be any impacts involving existing drainage patterns. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, the Board finds and declares that the proposed Project's underground pipeline would not result in increased runoff. The pipeline would be constructed within existing road rights-of-way which are highly disturbed and typically collect stormwater runoff from the roadways. Following construction, the trenches would be backfilled and restored to roadways and gravel roadway shoulders. Therefore, the Project would not alter the existing drainage pattern of the site or area.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving existing drainage patterns. No mitigation measures are necessary or required.

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

aa. Impact 3.9 Hydrology and Water Quality – e) – f) Degrade Water Quality through Runoff

Pursuant to the discussion in Section 3.9 e) – f) of the Final EIR, there will be **no** impacts involving runoff or overall water quality. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and declares, if applicable, compliance with requirements of the Central Valley Regional Water Quality Control Board are sufficient to prevent any impacts to water quality through runoff.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will have no impacts involving water quality through runoff. No mitigation measures are necessary or required.

Thus, there will be no impacts as a result of this Project. There is no evidence to the contrary in the Public Record of Proceedings.

bb. Impact 3.9 Hydrology and Water Quality – g) 100 - Year Flood Hazard

Pursuant to the discussion in Section 3.9 g) of the Final EIR, there will be no impact resulting from the placement of housing within a 100 – year flood hazard area. The Project does not include the construction of any housing units. The Board concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and the Public Record of Proceedings, the Board finds and

declares that the proposed Project does not involve the construction of housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the proposed Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. No mitigation measures are necessary or required.

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

cc. Impact 3.9 Hydrology and Water Quality – h) Impede or Redirect Flood Flows

Pursuant to the discussion in Section 3.9 h) of the Final EIR, there will be a less than significant impacts resulting from the project as the placement of the proposed sewer collection pipelines will be installed underground and will not impact existing drainage patterns. The Board concurs in this analysis.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that that approximately half of the proposed sewer system collection pipelines would be located in Flood Zone A (100 Year Flood Zone – no base flood elevations determined). The remainder of the pipelines and the existing WWTP are located in Flood Zone X (outside floodplain).⁵⁷ The proposed sewer collection pipelines will be installed underground and will not impact existing drainage patterns. The existing WWTP is located outside of the 100-year floodplain, but it has been designed to withstand flooding without impacting adjacent properties. No mitigation measures are necessary or required.

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

dd. Impact 3.9 Hydrology and Water Quality – i) – j) Exposure of People to Flooding; Inundation;

Pursuant to the discussion in Section 3.9 i) – j) of the Final EIR, there will be no impact resulting from the Project. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not expose people to flooding and inundation, and thus, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Project area is not within the inundation areas for Terminus or Success Dams in Tulare County; or Pine Flat Dam in Fresno County. In addition, the Project does not involve water storage or changing the alignment of an established watercourse. The Project area is not near any major body of water. The improvements to the existing WWTP will occur within the existing WWTP footprint. The pipelines would be constructed within existing

road rights-of-way which are highly disturbed and typically collect stormwater runoff from the roadways. Following construction-related activities, the trenches would be backfilled and restored to roadways and gravel roadway shoulders. No mitigation measures are necessary or required.

Thus, there will be no impacts as a result of this Project. There is no evidence to the contrary in the Public Record of Proceedings.

- ee. Impact 3.10 Land Use and Planning – a) – c) Physically Divide an Established Community; Conflict with Applicable Land Use Plan; Conflict with a Conservation Plan

Pursuant to the discussion in Section 3.10 a) of the Final EIR, there will be no impact caused by the division of an established community or conflict with a land use or conservation plan. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will have no impact, and thus, no mitigation is necessary or required.

In support of these findings, the evidence indicates that the Project's pipelines would be constructed within existing road rights-of-way and would be trenched in areas generally consisting of gravel road shoulders. Service capacity and length of these lines would be designed to prevent the conversion of agricultural lands into urban/suburban uses, consistent with the existing conditions in the Community of Traver and as addressed in the Tulare County General Plan. There are no conservation plans applicable to the Project area or species that reside therein. Accordingly, there is no impact and no mitigation measures are necessary or required.

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

- ff. Impact 3.11 Mineral Resources – a) and b) Loss of availability of Statewide or Local Mineral Resource; Loss of availability of Resource Recovery Site

Pursuant to the discussion in Section 3.11 a) and b) of the Final EIR, the proposed Project would result in no impact to mineral resources locally or of statewide importance. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will cause no impact involving the loss or availability of known mineral resources, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the proposed Project does not include a mining operation and is not located in a known mineral resource zone. As specified in the Final EIR, certain policies applicable to mineral resources are contained in the Tulare County General Plan to promote compatible development near known mineral resource zones. These policies are designed to conserve and protect known mineral resources, such as the ones found

on the proposed Project site. Accordingly, there would be no impacts. No mitigation measures are necessary or required.

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

gg. Impact 3.12 Noise – a) Excess of Noise Standards

Pursuant to the discussion in Section 3.12 a) of the Final EIR, the proposed Project's construction would involve temporary, short-term noise sources including site preparation, installation of the pipeline, and site cleanup work and is expected to last for approximately six (6) months. Construction-related short-term, temporary noise levels would be higher than existing ambient noise levels in the Project area, but would not occur after construction is completed. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the proposed Project will not result in a significant impact involving noise in excess of the applicable County standards. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence indicates that the Project construction would involve temporary, short-term noise sources and compliance with Tulare County General Plan Policies HS-8.11, HS-8.18 and HS-8.19 would minimize construction-related noise of the Project. The normal operations of the proposed Project will have a minimal impact on the overall ambient noise levels of the area. Accordingly, impacts will be less than significant with implementation of General Plan Policies HS-8.11, HS-8.18 and HS-8.19. No mitigation measures are necessary or required.

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

hh. Impact 3.12 Noise – b) Exposure to or Generate Excessive Ground-borne Vibration or Noise

Pursuant to the discussion in Section 3.12 b) of the Final EIR, the proposed Project would result in a less than significant impact or generation of excessive vibration or ground borne noises. The Board concurs with this analysis.

Accordingly, based on substantial evidence in in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact involving any vibration or ground borne noises in excess of the applicable County standards; no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project's construction-related activities would result in minor amounts of groundborne vibration, such groundborne noise or vibration would attenuate rapidly from the source and would not be generally perceptible outside of the construction areas. In addition, there would not be any vibrational impacts from operation

and maintenance activities. Accordingly, there is less than significant impact. As such, no mitigation measures are necessary or required.

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

ii. Impact 3.12 Noise – c) Increase in Noise Levels Above No-Project Levels

Pursuant to the discussion in Section 3.12 c) of the Final EIR, the proposed Project would result in less than significant impacts, for both construction- and operational-related activities, above the existing ambient noise environment in the vicinity of the Project site which is dominated by agricultural uses, primarily tractors and by vehicles traveling along Merritt Drive and by operations along the Union Pacific railroad line. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will cause a less than significant impact involving any noise in excess of No-Project conditions. The Board concurs with this analysis.

In support of this finding, the evidence indicates that the ambient noise environment in the vicinity of the proposed Project site is dominated by agricultural-related uses. No noise would be generated from the operation of the pipeline, which would be buried underground. The pumps operating at the lift stations would emit a very low level noise that would be barely detectible outside their enclosures. The proposed Project will temporarily increase ambient noise levels; however, the increase in noise levels will not exceed Tulare County's Maximum Acceptable Ambient Noise Exposure for Various Land Uses. No mitigation measures are necessary or required.

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

jj. Impact 3.12 Noise – d) Temporary or Periodic Increase in Ambient Noise Levels

Pursuant to the discussion in Section 3.12 d) of the Final EIR, the proposed Project would result in less than significant impacts above existing levels for both construction and operationally with implementation of General Plan Policies HS-8.11 Peak Noise Generators, HS-8.18 Construction Noise, and HS-8.19. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that with implementation of the above noted General Plan Policies, the impacts to noise would be less than significant. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence indicates that the ambient noise environment in the vicinity of the proposed Project site is dominated by agricultural-related uses. The proposed Project will temporarily increase ambient noise levels; however, the increase in noise levels will not exceed Tulare County's Maximum Acceptable Ambient Noise Exposure for Various Land Uses. No mitigation measures are necessary or required.

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

kk. Impact 3.12 Noise – e) and f) Public Airport or Private Airstrip Noise

Pursuant to the discussion in Section 3.12 e) and f) of the Final EIR, the proposed Project would result in no impact from exposure to excessive airport noises. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not expose persons to excessive airport noise and will result in no impact involving an airport land use plan within two miles of a public airport, or locate persons within the vicinity of an operating airstrip. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence indicates that the Project is not located near an airport runway or airfield (airstrip). Accordingly, there is no impact and mitigation measures are not necessary or required.

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

ll. Impact 3.13 Population and Housing – a) Induce Substantial Population Growth

Pursuant to the discussion in Section 3.13 a) of the Final EIR, there will be less than significant impact to the environment involving population and housing. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will have less than significant impacts to population and housing, and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project would result in infrastructure improvements to Traver's existing WWTP and associated sewer collection system. A new sewer main would be constructed and the existing treatment process would be improved. Pipelines would be sized as appropriate to serve existing development, to meet potential infill within Traver, and to accommodate the growth outlined and described in the adopted Traver Community Plan 2014 Update. Accordingly, there will be less than significant impacts on population or housing conditions in the Project area vicinity. No mitigation measures are necessary or required.

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

mm. Impact 3.13 Population and Housing – b) and c) Displace Substantial Numbers of Existing Housing; Displace Substantial Numbers of People

Pursuant to the discussion in Section 3.13 b) and c) of the Final EIR, there will be no impact to the environment involving population and housing. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not displace substantial numbers of existing housing or people, and thus, no mitigation is necessary or required.

In support of this finding the evidence indicates that the Project would result in the construction of a new sewer main and laterals along Road 44, Merritt Drive, and Burke Drive, a potential new lift station at the intersection of Merritt and Burke Drives, and improvements to the existing wastewater treatment plant. These improvements would occur within the existing right-of-way or on County-owned land within the existing footprint of the WWTP. As such, the Project would not displace any existing housing. The Project does not include the conversion of housing. Therefore, no people would be displaced. As there will be no displacement of existing housing or people, no mitigation measures are necessary or required.

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

nn. Impact 3.14 Public Services – a) – Fire Protection

Pursuant to the discussion in Section 3.14 a) of the Final EIR, there will not be a significant impact to the environment involving public services. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to public services, and thus, mitigation is not necessary or required.

In support of this finding, the evidence indicates that the Project will not require fire protection services. The proposed underground wastewater pipelines do not require electricity or flammable materials which could ignite a fire. Impacts to fire protection services are generally driven by new residential or commercial development, which could also increase population. The proposed improvements to the existing wastewater treatment facility and installation of underground wastewater pipelines would not directly result in the creation of new residences or other facilities that could result in an influx of population. Since the Project is being implemented to serve an existing need and to provide capacity for planned growth, there are no new impacts above and beyond what was already analyzed. As such, there will be not be significant impacts on Public Fire Protection Services. Therefore, mitigation measures are unnecessary.

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

oo. Impact 3.14 Public Services – a) Police Protection, Schools, Parks, Other Public Facilities

Pursuant to the discussion in Section 3.14 a) Police, Parks, and Schools of the Final EIR, there will not be a significant impact to the environment involving police; park, and school-related public services. The Board concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to the services rendered by police, the use of parks, or the need for additional schools or other public facilities due to this Project, and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that construction of the Project will not impact the County's Sheriff support needs, the use of the surrounding parks, or increase the need for schools or other public facilities. Accordingly, there will not be any impacts on sheriff's services, parks, or school services in the Project area vicinity. No mitigation measures are necessary or required.

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

pp. Impact 3.15 Recreation – a) and b) – Increased Use of Parks or other Recreational Facilities; Require Construction or Expansion of Recreational Facilities

Pursuant to the discussion in Section 3.15 a) and b) of the Final EIR, there will be no impact to recreational facilities within the Project's vicinity. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not impact recreational facilities within the Project's vicinity and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project is being recommended to provide a more reliable wastewater treatment plant within the unincorporated Community of Traver. The proposed wastewater pipelines would be adequately sized to serve the community's existing needs and are not intended to provide additional capacity for substantial amounts of future development not addressed in the Traver Community Plan. Typically, the increased use of parks and recreational facilities result from the addition of new housing and the accompanying growth of population. However, no new housing is proposed as part of the Project. As such, there would be no impact on existing or the need for additional recreation facilities. No mitigation measures are necessary or required.

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

qq. Impact 3.16 Transportation/Traffic – a) Conflict with an Applicable Plan, Ordinance or Policy Establishing Measures of Effectiveness for the Performance of the Circulation System

Pursuant to the discussion in Section 3.16 a) of the Final EIR, there will be no impact to the environment involving traffic increases or level of service standards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not impact the community's circulation systems. As such, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Draft EIR, and other evidence in the Public Record of Proceeding. The Project does not require the construction of any new roadways. Short-term, temporary traffic impacts incurred during the construction phase will return to pre-Project conditions upon Project completion. Project impacts related to this Checklist item will be less than significant. No mitigation measures are necessary or required.

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

rr. Impact 3.16 Transportation/Traffic – b) Conflict with an applicable congestion management program

Pursuant to the discussion in Section 3.16 a) of the Final EIR, there will be no significant impact to the environment involving traffic increases or level of service standards. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will have no significant impact the community's congestion management program. As such, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Draft EIR, and other evidence in the Public Record of Proceeding. The County does not have a congestion management plan applicable to the Project roadways. Traffic generated by the Project would occur only during construction related activities. The operation of the wastewater treatment facility and associated pipelines would not require any vehicle trips other than routine maintenance-related trips and operator trips. Project impacts related to this Checklist item will be less than significant. No mitigation measures are necessary or required.

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

ss. Impact 3.16 Transportation and Traffic – c) Air Traffic and d) Design Features

Pursuant to the discussion in Section 3.16 c) and d) of the Final EIR, there will be no impact to Air Traffic and Design Features by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not impact air traffic and design features; and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project has no discernable or possible effect on these items, and thus there is no impact. No mitigation measures are necessary or required.

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

tt. Impact 3.16 Transportation and Traffic – e) Emergency Access

Pursuant to the discussion in Section 3.16 e) of the Final EIR, there will be a less than significant impact with mitigation to Emergency Access by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to emergency facilities with the implementation of mitigation.

Mitigation is set forth in Mitigation Measure 3.16-1. Such mitigation is hereby adopted for this Project. All Mitigation Measure(s) shall be implemented by the County of Tulare, construction contractor, the County Environmental Assessment Officer; or in compliance with Caltrans' requirements. Monitoring shall be the responsibility of the RMA.

As such, there would be a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

uu. Impact 3.16 Transportation and Traffic – f) Bicycle Traffic

Pursuant to the discussion in Section 3.16 f) of the Final EIR, there will be no impact involving adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Board finds and declares that there will be no impacts to adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities as a result of this Project.

In support of this finding, the evidence indicates that the Proposed Project does not consist of any elements that would conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, and thus, there is no impact. No mitigation measures are necessary or required.

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

vv. Impact 3.17 Tribal Cultural Resources – a) and b) Listed California Register of Historical Resources; Resources Significant to a California Native American Tribe

Pursuant to the discussion in Section 3.17 a) and b) of the Final EIR, there will be a less than significant impacts with mitigation to Listed Historical Resources and Significant Tribal Cultural Resources by this Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant impact to Listed Historical Resources and Significant Tribal Cultural Resources with the implementation of mitigation.

Mitigation is set forth in Mitigation Measures 3.17-1 and 17-2. Such mitigation is hereby adopted for this Project. All Mitigation Measure(s) shall be implemented by the County of Tulare, construction contractor, or the County Environmental Assessment Officer; or in compliance with Caltrans' requirements. Monitoring shall be the responsibility of the RMA.

As such, there would be a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

ww. Impact 3.18 Utilities and Service Systems – a), c), and d) Exceed Wastewater Treatment Capacity; Construction of New Storm Water Drainage Facilities; Sufficient Water Supply

Pursuant to the discussions found in Section 3.18 a), c), and d) of the Final EIR, there will be a less than significant impacts involving wastewater treatment, new storm water drainage facilities and the maintenance of a sufficient water supply based upon the information provided by the Central Valley Regional Water Quality Control Board (CVRWQCB), Traver Waste Discharge Requirements (WDR), and the Tulare County General Plan. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will cause a less than significant impact to wastewater treatment, water drainage facilities, and existing water supplies; thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project is subject to requirements of the CVRWQCB. The proposed sewer collection pipelines would not impact water quality. Minimal water may be used during construction phases for dust suppression. Construction-related water used for dust control would come from an existing public water system and would be transported (through the use of water trucks) to each segment of the pipeline. To prevent water and wind erosion during the construction-related activities period, a Storm Water Pollution Prevention Plan (SWPPP) would be developed for the Project. Therefore, the Project has a less than significant impact. No mitigation measures are necessary or required.

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

xx. Impact 3.18 Utilities and Service Systems – b) and e) Construction of New Water or Wastewater Treatment Facilities; Capacity

Pursuant to the discussions found in Section 3.18 b) and e) of the Final EIR, there will be less than significant impacts with mitigation involving the construction of new water and wastewater treatment facilities and adequate capacity to serve the project's projected demand. In addition to the provider's existing commitments, this information is based upon the information provided by the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that with mitigation the Project will cause a less than significant impact to wastewater treatment facilities, and the capacity of these systems.

In support of this finding, the evidence indicates that the Proposed Project contains elements that could conflict with policies, plans, or programs regarding the construction of new water or wastewater treatment facilities, or otherwise decrease the capacity of such systems, however with mitigations contained in Sections 3.4, 3.5, 3.16, and 3.17, impacts would be less than significant.

As such, there would be a less than significant impacts with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

yy. Impact 3.18 Utilities and Service Systems – f) and g) Landfill with Sufficient Capacity; Compliance with Federal, State, and Local Regulations Related to Solid Waste

Pursuant to the discussions found in Section 3.18 f) and g) of the Final EIR, there will be no cumulative impacts created by the generation of solid waste during the construction of this project, nor upon completion of the project and such waste generation would be disposed of in accordance with applicable law and policy. In addition to the provider's existing commitments, this information is based upon the information provided by the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that the Project will cause no impact to landfill facilities, the capacity of these facilities, and that disposal of materials generated during the construction phase, or thereafter, will comply with applicable law and policy.

In support of this finding, the evidence indicates that the Proposed Project does not consist of any elements that would exceed the permitted capacity of such facilities or lead to the improper disposal of waste materials. There would be no project-specific or cumulative impacts resultant from this project. No mitigation measures are necessary or required.

As such, there would be no impacts. There is no evidence to the contrary in the Public Record of Proceedings.

zz. Impact 3.19 a) Mandatory Findings of Significance: Wildlife Species or Historical Impacts

Pursuant to the discussion in Section 3.19 a) of the Final EIR, there will be less than significant impact to wildlife species or historical resources by this Project with implementation of Mitigation Measures 3.4-1 thru 3.4-7 in regards to wildlife species, and Mitigation Measures 3.17-1 and 3.17-2 in regards to historical resources. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that with Mitigation Measures 3.4-1 thru 3.4-7, and Mitigation Measures 3.17-1 and 3.17-2, the Project will not cause a significant impact involving wildlife species or historical resources.

In support of this finding, the evidence indicates that the site of the proposed Project is an intensely disturbed landscape devoid of natural habitat, wetlands, foraging areas, or movement corridors thus eliminating the potential for impacts to biological species. No significant cultural resources were identified within ½ mile of the Project site; however, in order to address the potential of cultural resources being unearthed as a result of Project-related ground excavation, Mitigation Measures 3.17-1 and 3.17-2 were added in the unlikely event that human remains are unearthed during Project-related ground excavation.

aaa. Impact 3.18 b) Cumulative Impacts

See Section IV Cumulative Impacts below.

bbb. Impact 3.18 c) (Substantial Adverse Affects)

Pursuant to the discussion in Section 3.18 c) of the Final EIR, there will not be a direct or indirect significant impact due to substantial adverse affects to humans by the Project. The Board concurs with this analysis.

Accordingly, based on substantial evidence in the Draft EIR, Technical Appendices, Response to Comments, Final EIR, and other evidence in the Public Record of Proceedings, the Board finds and declares that there are no significant environmental adverse effects from this project to human beings. Rather, the Project would benefit the community of Plainview by collecting wastewater via a community-wide collection system and delivering said wastewater to a fully functional and operating wastewater treatment facility.

In support of this finding, the evidence indicates that the Project would not result in any impacts to human beings beyond what has already been analyzed in Chapters 3.1 to 3.17, and thus there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

CUMULATIVE IMPACTS

CEQA Guidelines Section 15130 (a) requires that an EIR discuss the cumulative impacts of a Project when the Project's incremental effect is "cumulatively considerable," meaning that the Project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issue and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other Projects contribute rather than the attributes of other Projects which do not contribute to the cumulative impacts.

A. Biological Impacts

Pursuant to the discussion in Section 3.4 a) through f) of the Final EIR, the Project will cause a less than cumulatively significant impact to biological resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the mitigations required in Mitigation Measures 3.4-1 thru 3.4-8 will lessen any significant impacts to cumulative biological resources. This cumulative impact relating to biological resources will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that since the direct impacts are not significant, with the implementation of Mitigation Measures 3.4-1 thru 3.4-8, as contained in section 3.4 of the DIER and evidence in the Biological Evaluation Report (Appendix "B" of the Draft EIR). Further, the adopted Mitigation Measures will assure that any biological impacts are mitigated to a level of less than significant.

B. Cultural Resources

Pursuant to the discussion in Section 3.5 a) through d) of the Final EIR, the construction related incremental impact of the Project may cause a potentially cumulatively significant impact to cultural resources. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Mitigation's required in Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 will lessen any significant impacts to cumulative cultural resources. This cumulative impact relating to cultural resources will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided,

treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.5-1, 3.5-2 and 3.5-3, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

C. Transportation/Traffic – Emergency Access

Pursuant to the discussion in Section 3.16 e) of the Final EIR, there will be a less than significant cumulative impact to Emergency Access by this Project. The Board concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the no mitigation measures are necessary or required to lessen any significant impacts to cumulative Transportation/Traffic impacts.

Accordingly, based on substantial evidence in the Public Record of Proceedings, the Board finds and declares that the Mitigation's required in Mitigation Measure 3.16-1 will lessen any significant impacts to cumulative the Transportation/Traffic – Emergency Access resource. This cumulative impact relating to Emergency Access will be reduced to a level of insignificance. The Board further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives

D. Conclusion

In further support of the foregoing discussion, the County of Tulare (as the applicant) complies with Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program.

V

GROWTH INDUCING IMPACTS

Pursuant to the discussion in Chapter 6 of the EIR and consistent with Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no direct growth-inducing impacts resulting from this Project.

Based on substantial evidence in the EIR and the Public Record of Proceedings, the Board finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the development of the Project is unlikely to result in or contribute to population growth inducement because the Project will not result in an increase in employment, and correspondingly, would not result in an increase in population or associated demand for housing in the area. As indicated in the EIR, the proposed Project would not result in significant growth inducing impacts because the Project will serve the existing population as well as the population planned consistent with the Traver Community Plan. For these reasons, the Project is not anticipated to result in growth inducement. Therefore, the operation of the proposed Project would not result in new growth in the area relating to the potential population increase.

The proposed Project does not include new homes, and the proposed Project will result in an increase of only temporary, construction-related employees. The temporary increase employees will not induce population growth because of the relative size and short-term use of employees necessary to construct the Project. As such, the proposed Project does not have the potential to induce significant growth in Tulare County.

VI

SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Pursuant to the discussion in Section 6.2 of the EIR and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Board finds and declares that there are no significant environmental impacts that cannot be avoided.

In support of this finding, the evidence indicates that there are various implications from the significant environmental impacts. There are no feasible Mitigation Measures that are necessary or required, other than those required and adopted for this Project, that could further reduce these impacts to a level of less than significant.

As there are no significant and unavoidable environmental impacts, the Project is proposed and approved to enable the applicant to achieve the Project's basic objectives; including: (1) to establish and operate an economically viable and competitive Project in compliance with applicable laws and regulations; (2) to optimally utilize available land resources; and (3) to mitigate environmental impacts to the extent feasible. In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of less than significant. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures, there will be no cumulative environmental impacts that remain significant and unavoidable.

VII

ANALYSIS OF ALTERNATIVES

In connection with alternatives, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code §§ 21002, 21002.1; Guidelines § 15126.6).

A. Alternatives:

The Proposed Project constitutes improvements to the existing Traver wastewater treatment plant, identified by the *Traver Community Wastewater System Improvements and its Attachment 1 – Plan of Study, Tulare County, June 09, 2017* (Report). The proposed Project will result in improvements to the existing Traver community wastewater collection system and wastewater treatment plant. Improvements to the wastewater collection system are needed to extend service to existing residences and businesses that are currently not being served, and to serve infill areas within the community that are expected to develop in the future consistent with the adopted

Traver Community Plan 2014 Update. Improvements to the WWTP are needed to increase capacity and reliability to the system while increasing its efficiency and effectiveness so that the WWTP is better able to meet the needs of the community. The basic objectives of the Project, as described in the EIR, are:

1. Improve the existing wastewater treatment system which would provide reliable on-site wastewater removal and treatment services for the Community of Traver; (provide an average daily flow of 0.2 million gallon per day (mgd) to meet the wastewater disposal requirements of the community);
2. Eventual abandonment of the existing individual residential on-site septic tank/leach line systems, as applicable, located within the Community of Traver;
3. Provide a system that has the least potential to result in environmental impacts and would provide an environmental benefit by eliminating wastewater discharge from on-site system tanks into the ground;
4. Treat collected wastewater so as to remove constituents, such as BOD, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current environmental conditions;
5. Provide the most cost-effective, safe, and reliable means to collect and treat wastewater to Title 22 standards; and
6. Implement an as affordable fees schedule to efficiently and effectively maintain and operate the wastewater system to enhance the quality of life for Traver residents.

CEQA requires that an EIR analyze a reasonable range of alternatives. (Public Resources Code Sections 21102, 21002.1 and Guidelines Section 15126.6.) The alternatives to the Project that were considered in the EIR are described as:

- Alternative 1: Sewer Force Main Collection System (with Biolac System at WWTP)
- Alternative 2: Connect to Selma-Kingsburg-Fowler Sanitation District
- Alternative 3: No Build / No Project

An alternative site was not chosen for evaluation for reasons identified in CEQA Guidelines §15126.6(f): Rule of reason. Because a WWTP already exists in Traver and is being proposed for expansion/improvement, it would not be practical to build an entirely new WWTP at a different location. In addition, an alternative site would likely result in greater environmental impacts in every environmental impact criteria listed in the CEQA Guidelines Appendix G checklist. Therefore, an alternative site was not evaluated.

The Proposed Project is the Preferred Alternative. The proposed Alternatives were analyzed based on five evaluation criteria which include each of the objectives of the Project and the assessment of the potential environmental impacts. Each Alternative considered did not meet all the evaluation criteria, as identified in Table 5-2 (Alternatives Evaluation), contained in Chapter 5. The comparison of various factors was considered in Chapter 5 of the EIR. Tables 5-1 and 5-2 of the EIR (made a part hereof) provides matrices that compares the environmental impacts of differing Project Alternatives against the Project.

Environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative are shown in Table 5-1.

Table 5-1 Impacts of Alternatives Compared to the Proposed Project (Gravity sewer collection / Package Treatment Plant upgrades)			
Impact Topic	Alternative 1 Force Main / Biolac	Alternative 2 Connect to SKF	Alternative 3 No Project
Aesthetics	similar	similar-greater	less
Agriculture	similar	greater	less
Air Quality	similar	greater	less
Biology	similar	greater	less
Cultural	similar	greater	less
Geology/Soils	similar	similar	less
Greenhouse Gases	similar	greater	less
Hazards & Hazardous Materials	similar	similar	less
Hydrology/Water Quality	similar - greater	similar	greater
Land Use	similar	greater	less
Mineral Resources	similar	similar	less
Noise	similar	greater	less
Population/Housing	similar	similar	less
Public Services	similar	similar	less
Recreation	similar	similar	similar
Transportation and Traffic	similar	similar	less
Utilities	similar	similar	less
Mandatory Findings	similar	greater	less

Table 5-2 is a matrix comparing each Alternative's and the Preferred Alternative's abilities to achieve the Evaluation Criteria.

Table 5-2 Comparison of Alternatives Attaining Evaluation Criteria				
Evaluation Criteria	Proposed Project	Alternative 1 Force Main/Biolac	Alternative 2 Connect to SKF	Alternative 3 No Project
Project Specific Elements	Yes	Yes	Yes	No
Meet all Project Objectives	Yes	Yes	Yes	No
O & M and Cost Efficiency	Yes	No	No	Yes & No
Reduce Significant Impacts	Yes	Yes	No	Yes & No
Physical Feasibility	Yes	Yes	Yes	Yes

B. Environmentally Superior Alternative:

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown above in Table 5-1 & 5-2.

Alternative 1 by definition would not meet the objectives of the Proposed Project's as it would result in higher Operation & Maintenance (O&M) costs and would generally be cost prohibitive (in regards to affordability to efficiently and effectively maintain and operate the wastewater system to enhance the quality of life for Traver residents); and possibly greater Hydrology/Water Quality impacts. As compared above, Alternatives 2 objectives of the Proposed Project's Operation & Maintenance objectives and would be cost prohibitive; could result in greater impacts to Agriculture, Air Quality, Biological resources, Cultural resources, Greenhouse Gases (GHGs), Land Uses, Noise, and Mandatory Findings. Alternative 3 would not result in improvements to the WWTP which are needed to increase capacity and reliability to the system while increasing its efficiency and effectiveness so that the WWTP is better able to meet the needs of the community and could result in more impacts related to Hydrology/Water Quality. As such, Alternative 3 was eliminated from consideration. After this full, substantial, and deliberate analysis the proposed Project remains the preferred alternative. As discussed in Alternatives 1 through 3, each of the Alternatives could result in more adverse environmental impacts as specified on the CEQA resources checklist.

Therefore, the proposed Project is the environmentally superior alternative. In summary, based upon the above analyses, the proposed Project is the Environmentally Superior Alternative and would result in less, or the avoidance of, significant environmental impacts compared to the other identified Alternatives and would satisfy all the Evaluation Criteria noted earlier.

The Board finds that the County (as the applicant/project proponent) is required to undertake Mitigation Measures. These Measures are restrictive and are applied to the Project as described in the Draft and Final EIR. Thus, it is in the public interest for the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. In light of the foregoing discussion, and when balancing these interests, the Board finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The Board finds and concludes that, as discussed in the Statement of Overriding Considerations (Chapter 7 of the DEIR), There are No Environmental Impacts That Cannot Be Avoided and there is no irreversible impact; therefore, a Statement of Overriding Considerations is not necessary. The Project's merits and objectives are discussed in the Project Description and are found to be consistent with the intent of Tulare County 2030 General Plan. In addition, the Project's merits outweigh any unavoidable and immitigable impacts warranting a Statement of Overriding Considerations.

The EIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division.

STATEMENT OF OVERRIDING CONSIDERATIONS

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