

COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Dunn Asphalt and Concrete Batch Plant

Final Environmental Impact Report
SCH# 2019011039

April 2020

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

**Dunn Asphalt and Concrete Batch Plant
Final Environmental Impact Report (SCH#2019011039)**

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)

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 10

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or DEIR or EIR) for the Dunn Asphalt and Concrete Batch Plant, PSP 18-049 (Project) was made available for public review and comment for a period of 45 days starting on December 13, 2019, and ending on January 27, 2020. The purpose of this document is to present public comments and responses to comments received on the Project's Draft EIR (SCH # 2019011039).

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 TO THE PROJECT

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

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Dunn Asphalt and Concrete Batch Plant Project have been analyzed in a Draft EIR (SCH# 2019011039) dated December 2019. Consistent with Section 15205 of the State CEQA Guidelines, the Draft EIR for the Dunn Asphalt and Concrete Batch Plant Project is subject to a

public review period. Section 21091(e) of the Public Resources Code specifies a minimum 30-day shortened review period for an EIR; however, if an EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. Pursuant to CEQA Guidelines and approval by the Office of Planning and Research (OPR), State Clearinghouse and Planning Unit (SCH), the County of Tulare provided a 45-day review period.

The Dunn Asphalt and Concrete Batch Plant Project Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the County of Tulare and 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*. As required by CEQA, a Notice of Availability (NOA) for the Draft EIR was published in the *Sun-Gazette* (a newspaper of general circulation) on December 11, 2019.

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

Visalia Branch Library	Tuesday through Thursday: 9:00 a.m. – 8:00 p.m.;
200 West Oak Avenue	Friday: 12:00 p.m. – 6:00 p.m.; and
Visalia, CA 93291	Saturday: 9:00 a.m. – 5:00 p.m.

In addition, the DEIR was posted on the Tulare County website during the review period at: <https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>.

RELEVANT CEQA SECTIONS (SUMMARY)

Following is a summary of CEQA Guidelines 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&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAA A70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Section 15088. Evaluation of and Response to Comments.

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...
- (b) The lead agency shall provide a written proposed response... to a public agency on comments made by that public agency 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
- (c) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

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

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project, the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body ...and 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 either:
 - (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 proposed 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 six (6) written comments on the Draft EIR (see Attachments 2 through 6). 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 California Department of Toxic Substances Control, December 24, 2019.

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 January 27, 2020.

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

None were received.

Comments from Federal, State, or County Agencies:

<i>Comment Letter 1</i>	<i>California Department of Toxic Substances Control (DTSC), December 24, 2019 (See Attachment 2)</i>
<i>Comment Letter 2</i>	<i>California Department of Transportation (Caltrans), January 22, 2020 (See Attachment 3)</i>
<i>Comment Letter 3</i>	<i>California Department of Fish and Wildlife (CDFW), January 23, 2020 (See Attachment 4)</i>
<i>Comment Letter 4</i>	<i>California Department of Resources Recycling and Recovery (CalRecycle) (See Attachment 5)</i>
<i>Comment Letter 5</i>	<i>California Department of Resources Recycling and Recovery (CalRecycle) January 24, 2020. (See Attachment 5)</i>
<i>Comment Letter 6</i>	<i>San Joaquin Valley Unified Air Pollution Control District (Air District), February 13, 2020 (See Attachment 6)</i>

Confirmation from State of California, Office of Planning and Research, State Clearinghouse Unit, January 28, 2020 (See Attachment 7) that EIR process was completed per CEQA Guidelines.

Comments from adjacent property owners or other interested parties:

None 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.

The reader is reminded that the County strictly adheres to and depends upon substantial evidence in drawing conclusions in regards to CEQA documents. Therefore, the County relies on the

definition of substantial evidence as provided in CEQA Guidelines Section 15384. (Substantial Evidence) which states: ““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.” As such, the County also expects commenters such as public agencies, public entities, or other interested persons/parties to also adhere with the substantial evidence definition as provided in CEQA Guidelines Section 15384.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1: California Department of Toxic Substances Control (DTSC), December 24, 2019

Comment Subject 1: “The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substance. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.”

Response: Chapter 3.9-11 Hazards and Hazardous Material of the EIR (at Items a) and b)) discusses potential areas where site activities with the potential for hazardous materials may be used and the potential for accidental release. This section includes discussion regarding compliance with Tulare County Health and Human Services Agency (HHSA) as well as other requirements of state and federal laws and regulations (e.g., a Storm Water Pollution Prevention Plan).

Mitigation Measures 3.9-1 and 3.9-2 require review/approval of a Hazardous Material Business Plan and a Spill Prevent /Control and Countermeasure Plan by HHSA and identify the government agency (in this case, the County of Tulare) as the responsible agency for providing regulatory oversight. As each site is regulated on a case-by-case basis, the specific manner of investigation and if applicable, remedying an occurrence, lies within the purview, judgement, and expertise of the regulatory agency. As such, it would be speculative to identify a specific mechanism regarding investigation and remediation other than to identify the County of Tulare as the regulatory agency providing oversight (which the EIR has included in Chapter 3.9-11).

Comment Subject 2: “If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of any lead-based paints or products, mercury, asbestos, containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies.”

Response: Comment noted. The Project does not contain any buildings or other structures which will be demolished.

Comment Subject 3: “If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination.”

Response: Comment noted. It is not anticipated that any importation of soil will be necessary; however, a Condition of Approval will be incorporated into the Use Permit in the unlikely event soil importation were to occur.

Comment Subject 4: “If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC’s 2008 Interim guidance for Sampling Agricultural Properties (Third Revision) <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>.”

Response: We do not concur. The guidance document cited by DTSC states, “This applies to new and/or proposed expanded school sites or other project where new land use could result in increased human exposure, especially residential use.”¹ “This guidance does not apply [emphasis used in the guidance document] to disturbed land, such as, land that has been graded in preparation for construction, areas where imported soil has been brought in, or any other activity that would redistribute or impact the soil, other than normal agricultural practices, such as disking and plowing.”² The site clearly will not host a school or residential uses wherein human exposure is increased.

As indicated in the reference cited by DTSC, at **1.0 Purpose**; “This guidance was initially prepared for use in evaluating soil at proposed new school sites and existing schools undergoing expansion projects where the property was currently or previously used for agricultural activities. This guidance is now expanded to include any project with DTSC oversight and is intended to supplement the DTSC PEA and provide a uniform and streamlined approach for evaluating agricultural properties.”³ This project does not involve DTSC oversight as it is clearly within the purview of the County of Tulare’s HHSA. Also, the site is a work site where no persons will attend school or reside, as such, only employees will utilize the site during a typical work day. Further, DTSC Guidance at **2.2 Properties not covered by this Guidance states**, “This guidance does not apply to former agricultural property that has been graded for construction or other purposes, that has received fill, or has had parking lots or structures placed on it following active use as an agricultural field.”⁴ The site will contain parking areas, structures (in the form of a building converted into office space), asphalt and cement batch plant equipment, storage pile areas for virgin material, and storage pile areas for recycled asphalt/concrete.

¹ State of California. Department of Toxic Substances Control. Interim Guidance for Sampling Agricultural Properties (Third Revision) California Department of Toxic Substances Control California Environmental Protection Agency August 7, 2008. Page 1. Accessed February 2020 at: <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>.

² Ibid. 1 and 2.

³ Op. Cit. 2.

⁴ Op. Cit.

Comment Letter 2: California Department of Transportation (Caltrans), January 22, 2020

Comment Subject 1: Caltrans previously reviewed and commented on a draft Traffic Impact Study (TIS) prepared by a consultant (4Creeks) for the proposed Project, dated November 2, 2018 which are still valid regarding: a) side access; b) peak travel; c) impact to SR 99 and two bridge structures; d) SR 99 interchange improvement project; e) and f) LOS of SR 99/Caldwell Avenue interchange intersection southbound ramps; g) interim improvements; and h) LOS of SR 99/Caldwell Avenue interchange northbound ramps.

Comment Subject 1(a): Site access will be provided via one main driveway connecting to Avenue 280 approximately 1,000 feet east of Road 76.

Response 1(a): Correct; the Project will utilize an existing driveway serving both access and egress from the site.

Comment Subject 1(b): The Project would generate an estimate 280 passenger car equivalent (PCE) trips during the A.M. peak and 116 PCE during the P.M. peak travel periods.

Response 1(b): Correct. Although there will be an intermittent stream of travel throughout the course of the work day, it is anticipated that the A.M. peak will result in greater PCE than the P.M. peak as most trips would occur by employees vehicles, applicant owned vehicles, and contractor owned vehicles both arriving and departing the site. Conversely, P.M. peak trips will be limited to employees leaving at the end of the work day and contractor owned vehicles returning to their respective points of origin after exiting with their last load of the day. Applicant owned vehicles will remain on site following their last load of the day which also reduces P.M. peak trips.

Comment Subject 1(c): Approximately 70% of the trips generated by the Project would directly impact SR 99 and an additional 10% would impact the bridge structures.

Response 1(c): Correct. The applicant has clearly indicated that 70% of the Project's trips would head both north and south at SR 99 (35% north and 35% south). For clarification, 90% of all trips will utilize Avenue 280 east of the Project site; the remaining 10% will utilize Avenue 280 west of the Project site. As such, all 90% heading eastbound will cross the bridge over the railroad with 35% then entering SR 99 at the southbound ramp west of SR 99, but east of the bridge over the railroad. The remaining 55% will continue over SR 99 with 35% then accessing SR 99's northbound ramp at Avenue 280/Caldwell Avenue with the balance (20%) continuing east on Avenue 280/Caldwell Avenue.

Comment Subject 1(d): As a point of information, Caltrans is working with the County of Tulare and Tulare County Association of Government on the SR 99/Caldwell Avenue [Avenue 280] interchange improvement project.

Response 1(d): Comment noted. The County supports Caltrans' vision and the significance of the SR 99/Caldwell Avenue interchange improvement project and anxiously awaits completion of the Project by 2024.

Comment Subject 1(e-h): Caltrans notes that the SR 99/Caldwell Avenue [Avenue 280] interchange intersection southbound ramps currently operate satisfactorily during the morning and evening peak hours and will continue to do so in the future once the interchange improvement project is complete; interim improvements would not be timely at this time; and SR 99/Caldwell Avenue [Avenue 280] interchange northbound ramps currently and in the future operate satisfactorily during the morning and evening peak hours.

Response 1(e-h): Comments noted. The County agrees with Caltrans' analyses.

Comment Letter 3: California Department of Fish and Wildlife (CDFW) January 23, 2020

Comment Subject 1: Swainson's Hawk (SWHA) Surveys. Because suitable habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SWHA and these measures be made conditions of approval for the Project: a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to implementation.

Response: A Condition of Approval will be included at Project approval that a qualified biologist conduct surveys for nesting consistent with the SWHA TAC 2000 guidelines.

Comment Subject 1: SWHA No-disturbance Buffer and Take. CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged. If this buffer is not feasible, consultation with CDFW is warranted to avoid take.

Response: The nearest identified nesting sites of SWHA are all farther than 0.5 miles as recommended by CDFW (the Department). The nearest nesting sites are approximately 1.34 miles northwest, 1.14 miles west, and 0.71 miles south-southwest of the site on lands which the applicant has no control, and, as such, the applicant cannot delineate a buffer where he has no control. Respectfully, as the 0.5 mile criteria or the take would not apply to this Project, the County is not compelled to add this recommendation as either mitigation or as a condition of approval. Please see the attached map showing the distances to the sites and the locations of the known nesting sites. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final EIR)

Comment Subject 2: Tricolored Blackbird (TRBL), Nest Avoidance, Nesting Bird Surveys, Buffers, and Take. Because agricultural practices on the Project site and adjacent properties include crops that are suitable for TRBL nest colony sites, CDFW recommends TRBL habitat assessment, surveys, avoidance measures, and take in the event that TRBL are detected.

Response: As noted above, the applicant has no control over adjacent site uses, as such, the applicant can only take measures in areas where he has control. The Department's comment that "suitable habitat for TRBL is present throughout and/or adjacent to the site" is misleading. The site does not currently contain "suitable habitat" as the field has been dormant since 2018 in

anticipation of the Project. As the site will ultimately (and permanently) convert from a former agriculturally productive site that could serve as habitat for TRBL, to the proposed Project use, the area will no longer be suitable. We disagree with the Department's recommendation that a 300-foot no-disturbance buffer be established for two reasons: (1) the applicant does not control areas beyond 300 feet of the Project's limits; and (2) the Department's recommendations is not consistent with the Guidance referenced by the Department in three areas; (i) the Guidance "advises" rather than "recommends" a buffer distance; (ii) the Guidance suggests a buffer zone beginning at 60 feet and be adjusted as necessary/applicable; and (iii) the Guidance (which cites Meese et al. 2008) specifies a typical breeding season range (that is, from nest building to fledging) of 68 days whereas, the Department's recommendation (Feb. 1 thru September 15) spans 227 days; a substantial difference of 159 days (or roughly 5.3 months). However, Weintraub (2016) writes, "We conducted the study during the Tricolored Blackbird breeding season from March 10 to July 16, 2011, and from March 6 to June 28, 2012."⁵ This citation clearly shows a much different timeframe than the Department's comments noting a February 1 to September 15 breeding timeframe. Further, as stated by Weintraub (which cites Orians (1961), Hamilton (1998) and others) an individual female can complete an entire nesting cycle in "as little as 28 days." Weintraub further states that TRBL breeding is not limited to synchronous breeding as asynchronous breeding also occurs, to wit, "The timing of nest-building in a Tricolored Blackbird colony falls along a continuum represented by 2 extremes: (1) synchrony, in which all nests are built and all eggs laid within one week; or (2) asynchrony, in which a colony grows over several weeks through the addition of new birds to the colony's periphery (Neff 1937, Orians 1961, Hamilton 1998, Beedy and Hamilton 1999). In the latter case, young may have hatched in one area of the colony while females in another area were still building nests (Neff 1937, Orians 1961). Thus, the nest-building phase may last 7–34 days or more in a single colony (Orians 1961, Hamilton 1998). For an individual female, however, an entire nesting cycle can be completed in as little as 28 days: 3 days for nest building (Orians 1961, Hamilton 1998), 3–4 days for egg laying (Hamilton 1998), 12 days for incubation (Orians 1961, Hamilton 1998, Beedy and Hamilton 1999), and a minimum of 10 days for the nestling period (Hamilton 1998)."⁶

According to the citations noted by the Department, TRBL counts (censuses) varied significantly year-by-year due to a variety of factors such as weather events (including El Nino and La Nina), timing, number of persons conducting a census, nest density, predation, loss of natural habitat, use of anthropogenic habitat (e.g., dairies and associated stored grains and adjacent grain fields (typically silage) , timing of harvest of silage fields, regional variations, breeding substrates, etc.). The 2017 Census conducted by Meese shows that Tulare County accounted for only 4.6% of statewide TRBL, while Kern (34.4%) and Merced (16.9%) plus Tulare's count total 55.9% of TRBL statewide (Meese 2017. Table 1 at page 12). As such, the data indicate that TRBL are not abundant in Tulare County and typically are adapted to nesting within silage fields. As noted

⁵ "Nest survival of Tricolored Blackbirds in California's Central Valley." Page 853. Published October 26, 2016. Kelly Weintraub, T. Luke George, and Stephen J. Dinsmore. Accessed February 2020 at: https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1256&=&context=nrem_pubs&=&sei-redir=1&referer=https%253A%252F%252Fwww.bing.com%252Fsearch%253Fq%253DNest%252520Survival%252520of%252520tricolored%252520blackbirds%252520in%252520Central%252520California%2527s%252520Central%252520Valley%2526qs%253Dn%2526form%253DQBRE%2526sp%253D-1%2526pq%253Dnest%252520survival%252520of%252520tricolored%252520blackbirds%252520in%252520central%252520california%2527s%252520central%252520valley%2526se%253D1-76%2526sk%253D%2526cvid%253D2BF6D9D68A0840C29F713F9EA63FE171#search=%22Nest%20Survival%20tricolored%20blackbirds%20Central%20Californias%20Central%20Valley%22

⁶ Ibid. 852.

earlier, the Project has been vacant for two growing seasons (2018 and 2019) and will likely be converted in 2020 to the proposed non-agricultural field use as a result of this Project.

In regards to its vicinity, the presence of dairies and likely associated use of the dairies' adjacent fields to grow silage, TRBL could occur. However, as noted earlier, the applicant has no control of adjacent uses. Regardless of neighboring uses, the fact remains that the Project site itself will not be used for agricultural purposes so it remains highly unlikely that TRBL would use the site as habitat.

In regards to surveys, Mitigation Measure 3.4-2 indicates that nest surveys will be conducted within accessible areas on the project site and within 250 feet of the project site for TRBL. As noted earlier, as the site has not been active for the past two growing seasons (2018 and 2019) and will be converted to the proposed Project, it is highly unlikely that TRBL would occur when and after the Project is initiated and subsequently operational. To reiterate, the Project proponent would have no control of adjacent uses, as such, he would be powerless to control activities outside of his legal control regardless of presence or absence of TRBL on an adjacent site.

In regards to take authorization, the absence of habitat (e.g., grain fields), it is highly unlikely that TRBL would be taken within the site. However, as an abundance of caution, Mitigation Measure 3.4-4 Take Authorization will be added requiring consultation with CDFW to avoid or mitigate take.

In regards to nesting birds, the site does not contain suitable habitat as noted in the Biological Evaluation (see Appendix "B") prepared by the biological consultant. As noted earlier, TRBL could nest in grain fields in the vicinity of the Project; however, the applicant has no control over sites outside of the Project.

As noted above, the applicant has no control over adjacent site uses, as such, Mitigation Measure 3.4-2 would only apply to the Project site. Based on substantial evidence as provided in the citations noted above, the County, respectfully, does not agree with the Department's rationale regarding a 300-foot buffer for TRBL and duration of buffers. As such, the County will clarify Mitigation Measure 3.4-3 specifying that a buffer distance recommended by a qualified biologist be not less than 60'. Depending upon the biologist's recommendation, the buffer may be extended within areas controlled by the applicant. And, Mitigation Measure 3.4-4 will be added requiring consultation with CDFW and to avoid take to the extent feasible.

Comment Subject 3: Environmental Data and Filing Fees. Please report any special status species and natural communities detected during Project surveys to CNDDDB. 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.

Response: The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDDB; and that applicant is aware that a \$3,343.25 CDFW filing fee will be required for filing of a Notice of Determination following approval/certification of the Final Environmental Impact Report.

Comment Letters 4 and 5: California Department of Resources Recycling and Recovery (CalRecycle) January 7, 2020 and January 24, 2020

Comment Subjects: Following is a summary of CalRecycle's comments subjects: a) Notice of Preparation (NOP); b) incoming material; c) traffic volume; d) hours of operation; e) debris material and Local Enforcement Agency (LEA).

Comment Subject 1(a): CalRecycle provided an NOP comment letter.

Response 1(a): CalRecycle is correct. The County inadvertently did not include CalRecycle as a commenting agency. The inadvertency has been noted in the Errata.

Comment Subject 1(b): Incoming material.

Response 1(b): Per the applicant, only clean concrete and asphalt will be received. Turn-around of materials will be less than four months from receiving concrete and asphalt until processed and shipped out. Each load will be inspected to ensure no residual materials from contaminated the final product, also resulting in no excess waste. Raw materials would arrive sporadically (e.g., seasonal and market fluctuations), as such, it would be difficult to place a limit of tonnage input per day and have limited the Project to an annual tonnage amount.

Comment Subject 1(c): Please clarify peak hours for the traffic as well as the facility.

Response 1(c): Please note that ES-2 does not include the acronym "PCE" regarding truck trips. Commenter's note of 138 PCE, 106 in the morning and 17 PCE in the afternoon, is inaccurate. These numbers reflect estimated *truck trips per day* [emphasis added]. For clarification, there is a difference between PCE (passenger car equivalents) and estimated traffic volumes. As noted in the DEIR, "Passenger car equivalents (PCE) represent the number of passenger cars displaced by a single heavy vehicle (vehicles with more than four wheels touching the pavement during normal operations) under certain roadway, traffic, and control conditions. The use of PCEs compensates for the operational characteristics of heavy vehicles (e.g., slower acceleration and deceleration than passenger vehicles) as well as the roadway space displaced. The Transportation Research Board Highway Capacity Manual, 6th Edition, identifies a PCE factor of 2.0 for a default mix of trucks in level terrain on highway segments. A greater PCE factor is reasonable for 25-ton capacity trucks because these trucks are long, heavy, accelerate more slowly, and require more distance to decelerate. For purposes of peak hour operations, a PCE of 3.0 is applied for the 25-ton capacity trucks, a PCE of 2.0 is applied for ready-mix trucks and three-axle trucks, and a PCE of 1.5 is applied for two-axle trucks. Table 5 [of the TIS] presents a summary of the peak hour Project trips in terms of PCE."⁷ As such, the PCE is not an actual estimate of vehicles trips, rather, as noted earlier, it represents the number of passenger cars that one, heavy vehicle is equivalent to. For example, 1 heavy vehicle can equal 1.5, 2.0, or 3.0 passenger cars; thus, a PCE from 5 heavy vehicles can equal 7.5, 10.0, 15.0 passenger cars; respectively. Actual estimated vehicle trips are shown in Table 3.17-3 (Table 4 of the TIS), Table 3.17-4 (an extrapolation from Table 4 of the

⁷ Draft Environmental Impact Report. Dunn Asphalt and Concrete Batch Plant. SCH No. 2019011039 Page 3.17-9. Available at: <https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/draft-environmental-impact-report-for-the-dunn-asphalt-and-concrete-batch-plant-psp-18-049/>.

TIS), and Table 3.17-4 5 (Table 15 of the TIS) as opposed to the PCE shown in Table 5 (of the TIS).

The traffic study used the generally accepted estimation technique of 7:00 A.M – 9:00 A.M morning peak hours and 4:00 P.M to 6:00 P.M. evening peak hours. However, as operations are anticipated to commence at 6:00 A.M., some vehicle trips will occur one hour prior to the typical morning peak hours and are not counted during the A.M. peak. The site will include two types of truck trips consisting of importing of materials (virgin or for recycling) import and exporting of asphalt, cement, and base rock (from recycled material). When operating at maximum capacity, the proposed Project will generate up to 138 truck trips (combined import and export) per day.

Comment Subject 1(d): Please clarify the allowable hours of operation. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours (i.e., night-time traffic projects or disaster debris handling).

Response 1(d): The asphalt plant (while at full capacity) will operate up to six days per week between 6:00 A.M. – 4:00 P.M. An average of 15 employees will be on-site at the facility at any given time and days of operation. In addition to vehicles entering the site (by employees, vendors/suppliers, trucks transporting virgin material, and materials to be recycled), other activities include internal movement of stockpiled materials to the asphalt or cement batch plant; operation of the batch plants; and loading asphalt, concrete, and recycled material into heavy-duty vehicles for transport outside of the site. Operating hours will be limited to generally daytime hours (that is, 6:00 A.M to 4:00 P.M.) Monday – Saturday. It is possible that summer hours may extend beyond 4:00 P.M. to take advantage of sunlight and the heat (e.g., for concrete to dry more efficiently after it is poured). The Project will not operate on Sundays. It is not anticipated that any ancillary hours would be needed, all site activities would occur between 6:00 A.M. – 4:00 P.M., including maintenance. The need to analyze emergency hours is speculative and cannot be analyzed for CEQA purposes. It is likely; however, that special consideration would be given should emergency circumstances merit such a deviation from approved work schedules.

Comment Subject 1(e): “An “Inert Debris Recycling Center” shall not be subject to CalRecycle’s Construction and Demolition/Inert Debris Regulatory Requirements of Title 14, California Code of Regulations (14 CCR), if it meets the requirements as listed in 14 CCR, Section 17381.1. Please determine whether or not the proposed facility meets the following summarized criteria to be considered an inert debris recycling center:

- [1(e)(1)]** An activity that only receives Type A inert debris material, such as concrete and fully cured asphalt, that has been source separated or separated for reuse (14CCR, Section 17381.1[a][2]).
- [1(e)(2)]** Residual amount of solid waste in the material is less than 10 percent by weight of the amount of material received, as calculated on a monthly basis (14 CCR, Section 17381.1[b][1]).
- [1(e)(3)]** The amount of putrescible wastes in the material is less than one percent by volume of the amount of material received and the putrescible wastes shall not constitute a

- nuisance, as determined by the Enforcement Agency (14 CCR, Section 17381.1[b][2]).
- [1(e)(4)] Material that has not been processed and sorted for resale or reuse shall be stored on-site for no more than six months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]).
- [1(e)(5)] Material that has been processed and sorted for resale shall be stored on-site for no more than 12 months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]).”
- [1(e)(6)] If the proposed project meets the criteria above, it is recommended that operator of inert debris recycling center maintain adequate records documenting that they meet the criteria above.
- [1(e)(7)] The Tulare County Department of Health Services, Division of Environmental Health is the Local Enforcement Agency (LEA) for Tulare County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting.”

Responses 1(e)(1) through 1e(7): The applicant has provided additional information as requested by CalRecycle as follows which will be implemented as Conditions of Approval for the Project:

- 1(e)(1) The applicant will only receive clean concrete and asphalt. They cannot have any other debris for the final product to meet Caltrans’ Class II base rock standards.
- 1(e)(2) All loads will be subject to inspection to ensure only clean concrete and asphalt will be received. All contaminated materials will not be accepted.
- 1(e)(3) Putrescible wastes would contaminate the Caltrans Class II base rock, as such, each load will be inspected and contaminated materials will not be accepted.
- 1(e)(4) The concrete and asphalt materials received will be processed every four months on average, as such, the applicant will comply with the 6-month limit.
- 1(e)(5) The processed materials will be sold every three months on average, as such, the applicant will comply with the 12-month limit.
- 1(e)(6) The applicant shall maintain adequate records for the above criteria as recommended by CalRecycle.
- 1(e)(7) Comment Noted. Tulare County HHSA/EHS/LEA is aware of this project and agrees that they have regulatory oversight of this Project, as applicable.

Comment Letter 6: San Joaquin Valley Unified Air Pollution Control District (Air District), February 13, 2020

Comment Subject 1: Non-Permitted Operational Emissions. Table 3.3-10 indicate NOx emissions exceeding the Air District’s Significance threshold. The Air District received supplemental information from the County correcting the inadvertent double-counting of non-permitted operational emissions. Based on the corrected analysis, the District supports the County’s conclusion that non-permitted operations would be below the District’s Significance threshold for NOx. The District recommends the corrected emissions analysis be included in the Final EIR.

Response: As recommended by the District, the County will include the corrected emissions analysis in the Final EIR. The County appreciates the Air District diligence in reviewing the supplemental analysis provided by the County and the Air District's support of our conclusions.

Comment Subject 2: District Rule and Regulations. The Project may be subject to the following District rules and regulations: (a) District permits/Authority to Construct; (b) Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); (c) Rule 9410 (employer Based Trip Reduction); and (d) the listed rules is neither exhaustive nor exclusive.

Response:

- 2(a)** Comment noted. The applicant has initiated the process to obtain applicable Air District permits and Authorities to Construct. A copy of the permit applications for a Stationary Concrete Batch Plant, a Hot Mix Asphalt Plant, and a Concrete and Asphalt Recycling Plant are included in Appendix "A" of the DEIR. Also, the Health Risk Assessment and a determination of the applicability of an Ambient Air Quality Analysis for this Project are included in Appendix "A". As the Air District is the Responsible Agency in regards to the air quality resource, Conditions of Approval will be included as part of the Project to ensure that the applicant complies with applicable Air District permits, authorities to construct, etc.
- 2(b)** The applicant is aware that the Project will be subject to various Air District rules/regulation including, but not limited to, Regulation VIII or the other rules summarized in the Air District's comment letter. As the Air District is the Responsible Agency in regards to the air quality resource, the County will require Conditions of Approval as part of the Project to ensure the applicant implements applicable Air District rules/regulations.
- 2(c)** Rule 9410 (employer Based Trip Reduction) does not apply to this Project as the Project, when fully operations, will employ fewer than 100 employees or triggers other criteria established by the Air District. As noted in DEIR Chapter 6 Economic, Social, and Growth-Inducing Effects, the Project is anticipated to provide up to 20 jobs; as such, the Air District's threshold of 100 employees is not realized or exceeded.
- 2(d)** The County defers to the judgement of the Air District regarding applicability of rules; as such, we do not disagree that the list of rules provided by the Air District is neither exhaustive nor exclusive. As noted earlier, the County will require Conditions of Approval as part of the Project to ensure the applicant implements applicable Air District rules/regulations.

Letter from: State of California, Office of Planning and Research, State Clearinghouse Unit, January 28, 2020

Comment Subject 1: Confirmation that comment period had closed and Tulare County has complied with SCH review requirements for draft environmental documents pursuant to CEQA; and that comments received from responding agencies are available on the CEQA database.

Response: Comment noted; no response is necessary. A printout of the CEQA database summary sheet is included in Attachment 7 at the end of this section.

PROJECT SUMMARY

The Dunn Asphalt and Concrete Batch Plant Project proposes the development of an asphalt/concrete batch plant on an approximately 20-acre site at 7763 Avenue 280, Visalia, CA, which is located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 76 in an unincorporated area of Tulare County. The Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) a concrete batch plant that would produce 100,000 cubic yards of concrete per year; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year; and 3) recycling of 30,000 cubic yards per year of concrete and asphalt to be crushed into recycled base. The Project site is zoned AE-40 (Extensive Agriculture – 40 Acre Minimum) and is within the Goshen 7.5 Minute USGS Quadrangle. The proposed Project site lies within Section 8, Township 19S, Range 24E, MDB&M and is located on Tulare County APN 119-010-039.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan, a Background Report and an EIR were also prepared. 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 Project, given the uncertainty of future market demand. 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.”⁸

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) 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...”⁹

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.”¹⁰

⁸ CEQA Guidelines Section 15002(a)

⁹ Ibid. Section 15002 (f).

¹⁰ Op. Cit., Section 15021.

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

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

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.”¹¹ (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 effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical

¹¹ Op. Cit. Section 15002(h).

changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”¹²

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.

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 shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.
 - (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

¹² Op. Cit. Section 15126.2(a).

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."¹³

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).

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.

¹³ Op. Cit. Section 15126.4.

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 on the Draft EIR during the 45-day review period.

APPENDICES

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

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment January 18, 2019 and circulated for a 30-day comment period ending February 19, 2019. Tulare County RMA received six comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, dated January 25, 2019;
- California Department of Conservation, Division of Land Resource Protection, dated January 29, 2019;
- Tulare County Health & Human Services Agency, dated January 31, 2019;
- California Department of Resources Recycling and Recovery, dated February 7, 2019;
- California Department of Transportation District 6, dated February 15, 2019; and
- San Joaquin Valley Unified Air Pollution Control District, dated February 20, 2019.

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

Consistent with CEQA Guidelines Section 15103, “Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entities have a response to make and may ignore a late response.”¹⁴

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 January 31, 2019. No comments were received during this meeting. Appendix “G” of the Draft EIR contains a copy of the NOP process including: the NOP that was submitted to the OPR/SCH and agencies, and the written comments that were received on the NOP.

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.

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 a comment period beginning on December 13, 2019. Following completion of the 45-day public review period ending on January 27, 2020, RMA staff prepared responses to comments and a Final EIR has been completed. The Final EIR was forwarded to the County of Tulare Planning Commission (Commission) for review for either certification and

¹⁴ CEQA Guidelines, Section 15103

adoption of the Final EIR and approval for the Dunn Asphalt and Concrete Batch Plant Project or for denial of the Project. If the Commission approves the Project, a Notice of Determination will then be filed with the County of Tulare County Clerk and forwarded to the OPR/SCH.

ORGANIZATIONS CONSULTED

Appendix “G” of the Draft EIR contains the NOP process, which includes a listing all of the agencies receiving the NOP. Attachment 1 includes a table identifying the recipients of NOA.

Attachment 1

Notice of Availability Tracking Table

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039											
AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
AVAILABILITY OF PUBLIC VIEWING											
Tulare County Website: https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/											
County of Tulare Clerk 221 S. Mooney Blvd. Courthouse, Room 105 Visalia, CA 93291			X				12/13/19				
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X	X			12/13/19				
Visalia Main Branch Library 200 W. Oak Ave. Visalia, CA 93291			2	X			12/13/19				
STATE CLEARINGHOUSE	X	X			15	15			12/12/19		
- Air Resources Board - California Highway Patrol - Department of Conservation - Department of Fish and Wildlife Region #4 - Department of Food and Agriculture - Department of Forestry & Fire Protection - Department of Resources and Recycling and Recovery											1/7/20 email from Joy Isaacson 1/24/20 comment letter from Joy Isaacson
- Department of Transportation – District #6 - Department of Transportation Planning - Department of Toxic Substances Control											See below.
- Native American Heritage Commission - Natural Resources Agency - Public Utilities Commission - Regional Water Quality Control Board – District #5F - State Water Resources Control Board – Water Quality											12/24/20 comment letter from Gavin McCreary

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD					
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
MILITARY											
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X							12/17/19	
FEDERAL AGENCIES											
U.S. Army Corps of Engineers Sacramento District 1325 J Street, Room 1350 Sacramento, CA 95814-2922			X							12/17/19	
United States Department of Agriculture Natural Resources Conservation Service 1400 Independence Ave SW Room 5105-A Washington, DC 20250-1111			X							12/17/19	
United States Department of Agriculture Natural Resources Conservation Service Visalia Service Center 3530 W. Orchard Ct. Visalia, CA 93277-7055 • Lurana Strong, District Conservationist, lurana.strong@usda.gov			X					12/16/19		12/17/19	
United States Fish and Wildlife Service Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846			X							12/17/19	
STATE & REGIONAL AGENCIES											
California Department of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 93710 • Julie Vance, regional manager, JVANCE@dfg.ca.gov • CEQA staff, R4CEQA@wildlife.ca.gov			X					12/16/19		12/17/19	1/23/20 comment letter from Julie Vance

[illegible]

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
City of Visalia Planning Department 315 E. Acequia Avenue Visalia, CA 93291 • Paul Bernal, City Planner, Paul.Bernal@visalia.city			X					12/16/19		12/17/19	
City of Tulare Attn: City Manager 411 E. Kern Avenue Tulare, CA 93274			X							12/17/19	
City of Tulare Community Development 411 E. Kern Ave. Tulare, CA 93274 • Josh McDonnell, Director, jmcdonnell@tulare.ca.gov			X					12/16/19		12/17/19	
County of Kings Community Development Agency Planning Division Attn: Toni Leist/Sydney Highfill 1400 W. Lacey Blvd. #6 Hanford, CA 93230			X							12/17/19	
Tulare County Agricultural Commissioner 4437 S. Laspina Street Tulare CA 93274			X							12/17/19	
Tulare County Airport Land Use Commission • Bill Whitlatch • Steve Dwelle			X					12/16/19			
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291 • Gabriel Gutierrez, Sr. Regional Planner, GGutierrez@tularecog.org			X				12/17/19	12/16/19			
Tulare County Farm Bureau P.O. Box 748 Visalia, CA 93291 • Tricia Stever Blattler, Executive Director, pstever@tulcofb.org			X					12/16/19		12/17/19	

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039

[illegible]

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD					
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
TRIBES											
Kern Valley Indian Council P.O. Box 1010 Lake Isabella, CA 93240 • Robert Robinson, Co-Chairperson, bbutterbredt@gmail.com • Julie Turner, Secretary, meindiangirl@sbcglobal.net			X					12/16/19		12/17/19	
Santa Rosa Rancheria Tachi Yokut Tribe P. O. Box 8 Lemoore, CA 93245 • Leo Sisco, Chairperson, LSisco@tachi-yokut-nsn.gov • Robert Jeff, Vice-Chair, RGJeff@tachi-yokut-nsn.gov • Shana Powers, Cultural Specialist, SPowers@tachi-yokut-nsn.gov • Greg Cuara, Cultural Specialist, GCuara@tachi-yokut-nsn.gov • Bianca Arias, Administrative Assistant, barias@tachi-yokut-nsn.gov • Samantha McCarty, Cultural Specialist, SMcCarty@tachi-yokut-nsn.gov			X					12/16/19		12/17/19	
Tubatulabals of Kern Valley P.O. Box 226 Lake Isabella, CA 93240 • Robert L. Gomez, Jr., Chairperson, rgomez@tubatulabal.org			X					12/16/19		12/17/19	
Tule River Indian Tribe P. O. Box 589 Porterville, CA 93258 • Neil Peyron, Chairperson, neil.peyron@tulerivertribe-nsn.gov • Kerri Vera, Director, Environmental Department, tuleriverenv@yahoo.com • Felix Christman, Tribal Monitor, tuleriverarchmon1@gmail.com			X					12/16/19		12/17/19	

[illegible]

NOTICE OF AVAILABILITY – DUNN ASPHALT AND CONCRETE BATCH PLANT (PSP 18-049); SCH# 2019011039

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
Linwood Elementary School Attn: Natalie Taylor, Principal 3129 S. Linwood Street Visalia, CA 93277			X							12/17/19	
Sequoia Baptist Academy 3435 S. Linwood St. Visalia, CA 93277			X							12/17/19	
Visalia Christian Schools 3737 S. Akers St. Visalia, CA 93277			X							12/17/19	
Visalia Montessori School 3502 S. Linwood St. Visalia, CA 93277			X							12/17/19	
Visalia Unified School District Attn: Todd Oto, Superintendent 5000 W. Cypress Ave. Visalia, CA 93277			X							12/17/19	
Lozeau Drury LLP 1939 Harrison St, Ste 150 Oakland, CA 94612 • Michael Lozeau, michael@lozeaudrury.com • Hannah Hughes, hannah@lozeaudrury.com • Komalpreet Toor, komal@lozeaudrury.com			X					12/16/19		12/17/19	

Attachment 2

Comments Received from the California Department of
Toxic Substances Control (DTSC), December 24, 2019
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277.

PHONE (559) 624-7000

FAX (559) 730-2653

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

April 2, 2020

SENT VIA EMAIL

Gavin McCreary, Project Manager
Department of Toxic Substances Control
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
880 Cal Center Drive
Sacramento, California 95826-3200

Subject: Response to Comments – DUNN ASPHALT AND CONCRETE BATCH PLANT
(PSP 18-049), SCH# 2019011039

Dear Mr. McCreary:

Thank you for providing Department of Toxic Substances Control (DTSC) letter response (dated December 24, 2019) regarding the Draft Environmental Impact Report (DEIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) Project, State Clearinghouse #2019011039.

The County of Tulare (County) acknowledges and recognizes DTSC's authority and expertise regarding transportation, storage, and use of hazardous materials relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: "The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substance. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight."

Response: *Chapter 3.9-11 Hazards and Hazardous Material of the EIR (at Items a) and b)) discusses potential areas where site activities with the potential for hazardous materials may be used and the potential for accidental release. This section includes discussion regarding compliance with Tulare County Health and Human Services Agency (HHSA) as well as other*

requirements of state and federal laws and regulations (e.g., a Storm Water Pollution Prevention Plan).

Mitigation Measures 3.9-1 and 3.9-2 require review/approval of a Hazardous Material Business Plan and a Spill Prevent /Control and Countermeasure Plan by HHSA and identify the government agency (in this case, the County of Tulare) as the responsible agency for providing regulatory oversight. As each site is regulated on a case-by-case basis, the specific manner of investigation and if applicable, remedying an occurrence, lies within the purview, judgement, and expertise of the regulatory agency. As such, it would be speculative to identify a specific mechanism regarding investigation and remediation other than to identify the County of Tulare as the regulatory agency providing oversight (which the EIR has included in Chapter 3.9-11).

Comment Subject 2: “If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC’s 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).”

Response: Comment noted. The Project does not contain any buildings or other structures which will be demolished.

Comment Subject 3: “If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC’s 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).”

Response: Comment noted. It is not anticipated that any importation of soil will be necessary; however, a Condition of Approval will be incorporated into the Use Permit in the unlikely event soil importation were to occur.

Comment Subject 4: “If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC’s 2008 *Interim guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).”

Response: *We do not concur. The guidance document cited by DTSC states, "This applies to new and/or proposed expanded school sites or other project where new land use could result in increased human exposure, especially residential use."¹ "This guidance does not apply [emphasis used in the guidance document] to disturbed land, such as, land that has been graded in preparation for construction, areas where imported soil has been brought in, or any other activity that would redistribute or impact the soil, other than normal agricultural practices, such as disking and plowing."² The site clearly will not host a school or residential uses wherein human exposure is increased.*

*As indicated in the reference cited by DTSC, at **1.0 Purpose**; "This guidance was initially prepared for use in evaluating soil at proposed new school sites and existing schools undergoing expansion projects where the property was currently or previously used for agricultural activities. This guidance is now expanded to include any project with DTSC oversight and is intended to supplement the DTSC PEA and provide a uniform and streamlined approach for evaluating agricultural properties."³ This project does not involve DTSC oversight as it is clearly within the purview of the County of Tulare's HHSA. Also, the site is a work site where no persons will attend school or reside, as such, only employees will utilize the site during a typical work day. Further, DTSC Guidance at **2.2 Properties not covered by this Guidance** states, "This guidance does not apply to former agricultural property that has been graded for construction or other purposes, that has received fill, or has had parking lots or structures placed on it following active use as an agricultural field."⁴ The site will contain parking areas, structures (in the form of a building converted into office space), asphalt and cement batch plant equipment, storage pile areas for virgin material, and storage pile areas for recycled asphalt/concrete.*

The project will be taken to the Tulare County Planning Commission on April 15, 2020, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project. The Final EIR will be available on April 3, 2020, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>

In closing, we sincerely appreciate the DTSC's comments which will be useful toward ensuring that the proposed Project complies with DTSC's regulations and with the California Environmental Quality Act.

¹ State of California, Department of Toxic Substances Control, Interim Guidance for Sampling Agricultural Properties (Third Revision) California Department of Toxic Substances Control California Environmental Protection Agency August 7, 2008, Page 1. Accessed February 2020 at: <https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>.

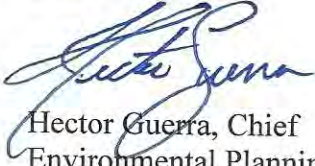
² Ibid. 1 and 2.

³ Op. Cit. 2.

⁴ Op. Cit.

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachment: DTSC comment letter dated December 24, 2019

*cc: Lora Jameson, DTSC
Dave Kereazis, DTSC
file*



Jared Blumenfeld
Secretary for
Environmental Protection

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

Tulare County
Resource Management Agency

December 24, 2019

DEC 30 2019

Mr. Hector Guerra
Chief Environmental Planner
County of Tulare
Resource Management Agency
5961 S. Mooney Boulevard
Visalia, California 93277-9394

DRAFT ENVIRONMENTAL IMPACT REPORT FOR DUNN ASPHALT AND
CONCRETE BATCH PLANT (PSP 18-049) – DATED DECEMBER 2019
(STATE CLEARINGHOUSE NUMBER: 2019011039)

Dear Mr. Guerra:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for Dunn Asphalt and Concrete Batch Plant (PSP 18-049).

The proposed project is the development of an asphalt and concrete batch plant. The project is proposed by Dunn's Equipment, Inc. to produce concrete, asphalt, and recycle concrete and asphalt on an approximately 20-acre site located south of Avenue 280 between Road 76 and State Route 99 in Tulare County.

DTSC recommends that the following issues be evaluated in the EIR, Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the

above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to review the EIR for Dunn Asphalt and Concrete Batch Plant (PSP 18-049). Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gavin McCreary", with a stylized flourish at the end.

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Attachment 3

Comments Received from California Department of
Transportation (Caltrans), January 22, 2020
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

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

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

April 2, 2020

SENT VIA EMAIL

Michael Navarro, Chief
California Department of Transportation
Transportation Planning – North
1352 W. Olive Ave.
P.O. Box 12616
Fresno, CA 93778-2616

Subject: Response to Comments – DUNN ASPHALT AND CONCRETE BATCH PLANT
(PSP 18-049), SCH# 2019011039

Dear Mr. Navarro:

Thank you for providing Department of Transportation (Caltrans) letter response (dated January 22, 2020) regarding the Draft Environmental Impact Report (DEIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) Project, State Clearinghouse #2019011039.

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

Comment Subject 1: Caltrans previously reviewed and commented on a draft Traffic Impact Study (TIS) prepared by a consultant (4Creeks) for the proposed Project, dated November 2, 2018 which are still valid regarding: a) side access; b) peak travel; c) impact to SR 99 and two bridge structures; d) SR 99 interchange improvement project; e) and f) LOS of SR 99/Caldwell Avenue interchange intersection southbound ramps; g) interim improvements; and h) LOS of SR 99/Caldwell Avenue interchange northbound ramps.

Comment Subject 1(a): Site access will be provided via one main driveway connecting to Avenue 280 approximately 1,000 feet east of Road 76.

Response: *Correct; the Project will utilize and existing driving serving both access and egress from the site.*

Comment Subject 1(b): The Project would generate an estimate 280 passenger car equivalent (PCE) trips during the A.M. peak and 116 PCE during the P.M. peak travel periods.

Response: *Correct. Although there will be an intermittent stream of travel throughout the course of the work day, it is anticipated that the A.M. peak will result in greater PCE than the P.M. peak as most trips would occur by employees vehicles, applicant owned vehicles, and contractor owned vehicles both arriving and departing the site. Conversely, P.M. peak trips will be limited to employees leaving at the end of the work day and contractor owned vehicles returning to their respective points of origin after exiting with their last load of the day. Applicant owned vehicles will remain on site following their last load of the day which also reduces P.M. peak trips.*

Comment Subject 1(c): Approximately 70% of the trips generated by the Project would directly impact SR 99 and an additional 10% would impact the bridge structures.

Response: *Correct. The applicant has clearly indicated that 70% of the Project's trips would head both north and south at SR 99 (35% north and 35% south). For clarification, 90% of all trips will utilize Avenue 280 east of the Project site; the remaining 10% will utilize Avenue 280 west of the Project site. As such, all 90% heading eastbound will cross the bridge over the railroad with 35% then entering SR 99 at the southbound ramp west of SR 99, but east of the bridge over the railroad. The remaining 55% will continue over SR 99 with 35% then accessing SR 99's northbound ramp at Avenue 280/Caldwell Avenue with the balance (20%) continuing east on Avenue 280/Caldwell Avenue.*

Comment Subject 1(d): As a point of information, Caltrans is working with the County of Tulare and Tulare County Association of Government on the SR 99/Caldwell Avenue [Avenue 280] interchange improvement project.

Response: *Comment noted. The County supports Caltrans' vision and the significance of the SR 99/Caldwell Avenue interchange improvement project and anxiously awaits completion of the Project by 2024.*

Comment Subject 1(e-h): Caltrans notes that the SR 99/Caldwell Avenue [Avenue 280] interchange intersection southbound ramps currently operate satisfactorily during the morning and evening peak hours and will continue to do so in the future once the interchange improvement project is complete; interim improvements would not be timely at this time; and SR 99/Caldwell Avenue [Avenue 280] interchange northbound ramps currently and in the future operate satisfactorily during the morning and evening peak hours.

Response 1(e-h): *Comments noted. The County agrees with Caltrans' analyses.*

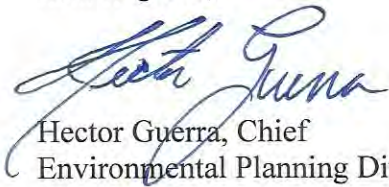
The project will be taken to the Tulare County Planning Commission on April 15, 2020, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project. The Final EIR will be available on April 3, 2020, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>

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

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

Best Regards,


Hector Guerra, Chief
Environmental Planning Division

Attachment: Caltrans comment letter dated January 22, 2020

cc: Edgar Hernandez, Caltrans
file

DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4168
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life

January 22, 2020

06-TUL-99-36.85
DUNN ASPHALT/CONCRETE BATCH PLANT
DEIR & (PSP 18049) SCH # 2019011039

SENT VIA EMAIL

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

Dear Mr. Guerra:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) to allow a proposed Asphalt & Concrete Batch Plant (Project). The Project consists of a concrete batch plant, concrete and asphalt recycling, and a hot-mix asphalt (HMA) batch operation. Aggregate, cement, and fly ash will be delivered to the site to produce ready-mix concrete. The 20-acre project site is located at 7763 Avenue 280, on the southeast corner of the Caldwell Avenue (Avenue 280) and Road 76 intersection; approximately ½ mile west of the State Route (SR) 99/Caldwell Avenue interchange. The concrete batch plant is expected to produce the following:

1. 100,000 cubic yards of concrete per year;
2. HMA batch plant that would produce 150,000 tons of HMA per year; and
3. Recycling of 30,000 cubic yards per year of concrete and asphalt to be crushed into recycled base.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Please note that Caltrans previously reviewed and commented on a draft Traffic Impact Study (TIS) prepared by a consultant (4Creeks) for the proposed Project, dated November 2, 2018 which are still valid and provided below:
 - a. Site access will be provided via one main driveway connecting to Avenue 280 approximately 1,000 feet east of Road 76.

- b. The TIS, as shown on page 429 of the appendices, estimates the project would generate approximately 280 passenger car equivalent (PCE) trips during the morning peak travel periods, and 116 PCE trips during the evening peak travel periods.
- c. The traffic study anticipates that approximately 70% of the trips generated by the Project would directly impact SR 99 and an additional 10% would further impact the two bridge structures crossing over SR 99.
- d. As a point of information, Caltrans is working with the County of Tulare and Tulare County Association of Governments (TCAG) on the SR 99/Caldwell Avenue interchange improvement project which is planned to be completed by 2024. Caltrans has performed the Intersection Control Evaluation (ICE) analysis for the interchange improvement project and has established that roundabouts are the preferred intersection control types at the ramp intersections.
- e. The TIS indicates that the SR 99/Caldwell Avenue interchange intersection at the southbound ramps currently operate satisfactorily during the morning and evening peak travel periods (LOS C).
- f. However, the TIS indicates that with the addition of Project trips, the southbound ramp intersection would begin to operate unsatisfactorily during the morning peak travel period (LOS E). However, it is assumed with completion the SR 99/Caldwell Avenue interchange improvement project, that the resulting southbound ramps intersection would operate satisfactorily in the future conditions.
- g. Given the timing of the interchange improvement project, it does not seem practical to explore interim improvements to the southbound ramp intersection. However, if the timing of the interchange improvement project dramatically changes, then interim improvements should be re-evaluated.
- h. The TIS indicates that the SR 99/Caldwell Avenue interchange northbound ramps intersections currently operate satisfactorily during the morning and evening peak travel periods (LOS B) and would continue to operate satisfactorily with the addition of the project traffic.

If you have any other questions, please call Edgar Hernandez at (559) 488-4168.

Sincerely,



MICHAEL NAVARRO, Chief
Transportation Planning - North

Attachment 4

Comments Received from California Department of Fish
and Wildlife (CDFW), January 23, 2020
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

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

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

April 2, 2020

SENT VIA EMAIL

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

Subject: Response to Comments – DUNN ASPHALT AND CONCRETE BATCH PLANT
(PSP 18-049), SCH# 2019011039

Dear Ms. Vance:

Thank you for providing California Department Fish and Wildlife (CDFW) letter response (dated January 23, 2020) regarding the Draft Environmental Impact Report (DEIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) Project, State Clearinghouse #2019011039.

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

Comment Subject 1: Swainson's Hawk (SWHA) Surveys. Because suitable habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site. The DEIR should include the following measures specific to SWHA and these measures be made conditions of approval for the Project: a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to implementation.

Response: *A Condition of Approval will be included at Project approval that a qualified biologist conduct surveys for nesting consistent with the SWHA TAC 2000 guidelines.*

Comment Subject 1: SWHA No-disturbance Buffer and Take. CDFW recommends a minimum no-disturbance buffer of 0.5-mile be delineated around active nests until the

breeding season has ended or until a qualified biologist has determined that the birds have fledged. If this buffer is not feasible, consultation with CDFW is warranted to avoid take.

Response: *The nearest identified nesting sites of SWHA are all farther than 0.5 miles as recommended by CDFW (the Department). The nearest nesting sites are approximately 1.34 miles northwest, 1.14 miles west, and 0.71 miles south-southwest of the site on lands which the applicant has no control, and, as such, the applicant cannot delineate a buffer where he has no control. Respectfully, as the 0.5 mile criteria or the take would not apply to this Project, the County is not compelled to add this recommendation as either mitigation or as a condition of approval. Please see the attached map showing the distances to the sites and the locations of the known nesting sites. (Note, due to the sensitivity of the data, this map will not be provided in the Attachments to Chapter 10 Response to Comments of the Final EIR)*

Comment Subject 2: Tricolored Blackbird (TRBL), Nest Avoidance, Nesting Bird Surveys, Buffers, and Take. Because agricultural practices on the Project site and adjacent properties include crops that are suitable for TRBL nest colony sites, CDFW recommends TRBL habitat assessment, surveys, avoidance measures, and take in the event that TRBL are detected.

Response: As noted above, the applicant has no control over adjacent site uses, as such, the applicant can only take measures in areas where he has control. The Department's comment that "suitable habitat for TRBL is present throughout and/or adjacent to the site" is misleading. The site does not currently contain "suitable habitat" as the field has been dormant since 2018 in anticipation of the Project. As the site will ultimately (and permanently) convert from a former agriculturally productive site that could serve as habitat for TRBL, to the proposed Project use, the area will no longer be suitable. We disagree with the Department's recommendation that a 300-foot no-disturbance buffer be established for two reasons: (1) the applicant does not control areas beyond 300 feet of the Project's limits; and (2) the Department's recommendations is not consistent with the Guidance referenced by the Department in three areas; (i) the Guidance "advises" rather than "recommends" a buffer distance; (ii) the Guidance suggests a buffer zone beginning at 60 feet and be adjusted as necessary/applicable; and (iii) the Guidance (which cites Meese et al. 2008) specifies a typical breeding season range (that is, from nest building to fledging) of 68 days whereas, the Department's recommendation (Feb. 1 thru September 15) spans 227 days; a substantial difference of 159 days (or roughly 5.3 months). However, Weintraub (2016) writes, "We conducted the study during the Tricolored Blackbird breeding season from March 10 to July 16, 2011, and from March 6 to June 28, 2012."¹ This citation clearly shows a much different

¹ "Nest survival of Tricolored Blackbirds in California's Central Valley." Page 853. Published October 26, 2016. Kelly Weintraub, T. Luke George, and Stephen J. Dinsmore. Accessed February 2020 at: https://lib.dr.iastate.edu/viewcontent.cgi?article=1256&=&context=nrem_pubs&=&seiredi=1&referer=https%253A%252F%252Fwww.bing.com%252Fsearch%253Fq%253DNest%252520Survival%252520of%252520tricolored%252520blackbirds%252520in%252520Central%252520California%2527s%252520Central%252520Valley%2526qs%253Dn%2526form%253DQBR%2526sp%253D-1%2526pq%253Dnest%252520survival%252520of%252520tricolored%252520blackbirds%252520in%252520central%252520california%2527s%252520central%252520valle%2526sc%253D1-76%2526sk%253D%2526cvid%253D2BF6D9D68A0840C29F713F9EA63FE171#search=%22Nest%20Survival%20tricolored%20blackbirds%20Central%20Californias%20Central%20Valley%22

timeframe than the Department's comments noting a February 1 to September 15 breeding timeframe. Further, as stated by Weintraub (which cites Orians (1961), Hamilton (1998) and others) an individual female can complete an entire nesting cycle in "as little as 28 days." Weintraub further states that TRBL breeding is not limited to synchronous breeding as asynchronous breeding also occurs, to wit, "The timing of nest-building in a Tricolored Blackbird colony falls along a continuum represented by 2 extremes: (1) synchrony, in which all nests are built and all eggs laid within one week; or (2) asynchrony, in which a colony grows over several weeks through the addition of new birds to the colony's periphery (Neff 1937, Orians 1961, Hamilton 1998, Beedy and Hamilton 1999). In the latter case, young may have hatched in one area of the colony while females in another area were still building nests (Neff 1937, Orians 1961). Thus, the nest-building phase may last 7–34 days or more in a single colony (Orians 1961, Hamilton 1998). For an individual female, however, an entire nesting cycle can be completed in as little as 28 days: 3 days for nest building (Orians 1961, Hamilton 1998), 3–4 days for egg laying (Hamilton 1998), 12 days for incubation (Orians 1961, Hamilton 1998, Beedy and Hamilton 1999), and a minimum of 10 days for the nestling period (Hamilton 1998)."²

According to the citations noted by the Department, TRBL counts (censuses) varied significantly year-by-year due to a variety of factors such as weather events (including El Nino and La Nina), timing, number of persons conducting a census, nest density, predation, loss of natural habitat, use of anthropogenic habitat (e.g., dairies and associated stored grains and adjacent grain fields (typically silage) , timing of harvest of silage fields, regional variations, breeding substrates, etc.). The 2017 Census conducted by Meese shows that Tulare County accounted for only 4.6% of statewide TRBL, while Kern (34.4%) and Merced (16.9%) plus Tulare's count total 55.9% of TRBL statewide (Meese 2017, Table 1 at page 12). As such, the data indicate that TRBL are not abundant in Tulare County and typically are adapted to nesting within silage fields. As noted earlier, the Project has been vacant for two growing seasons (2018 and 2019) and will likely be converted in 2020 to the proposed non-agricultural field use as a result of this Project.

In regards to its vicinity, the presence of dairies and likely associated use of the dairies' adjacent fields to grow silage, TRBL could occur. However, as noted earlier, the applicant has no control of adjacent uses. Regardless of neighboring uses, the fact remains that the Project site itself will not be used for agricultural purposes so it remains highly unlikely that TRBL would use the site as habitat.

In regards to surveys, Mitigation Measure 3.4-2 indicates that nest surveys will be conducted within accessible areas on the project site and within 250 feet of the project site for TRBL. As noted earlier, as the site has not been active for the past two growing seasons (2018 and 2019) and will be converted to the proposed Project, it is highly unlikely that TRBL would occur when and after the Project is initiated and subsequently operational. To reiterate, the Project proponent would have no control of adjacent uses, as such, he would be powerless to control

² Ibid. 852.

activities outside of his legal control regardless of presence or absence of TRBL on an adjacent site.

In regards to take authorization, the absence of habitat (e.g., grain fields), it is highly unlikely that TRBL would be taken within the site. However, as an abundance of caution, Mitigation Measure 3.4-4 Take Authorization will be added requiring consultation with CDFW to avoid or mitigate take.

In regards to nesting birds, the site does not contain suitable habitat as noted in the Biological Evaluation (see Appendix "B") prepared by the biological consultant. As noted earlier, TRBL could nest in grain fields in the vicinity of the Project; however, the applicant has no control over sites outside of the Project.

As noted above, the applicant has no control over adjacent site uses, as such, Mitigation Measure 3.4-2 would only apply to the Project site. Based on substantial evidence as provided in the citations noted above, the County, respectfully, does not agree with the Department's rationale regarding a 300-foot buffer for TRBL and duration of buffers. As such, the County will clarify Mitigation Measure 3.4-3 specifying that a buffer distance recommended by a qualified biologist be not less than 60'. Depending upon the biologist's recommendation, the buffer may be extended within areas controlled by the applicant. And, Mitigation Measure 3.4-4 will be added requiring consultation with CDFW and to avoid take to the extent feasible.

Comment Subject 3: Environmental Data and Filing Fees. Please report any special status species and natural communities detected during Project surveys to CNDDDB. 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.

Response: The County agrees that it would be appropriate to report any special status species and natural communities detected during project surveys to the CNDDDB; and that applicant is aware that a \$3,343.25 CDFW filing fee will be required for filing of a Notice of Determination following approval/certification of the Final Environmental Impact Report.

The project will be taken to the Tulare County Planning Commission on April 15, 2020, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project. The Final EIR will be available on April 3, 2020, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>

In closing, we sincerely appreciate the CDFW's comments which will be useful toward ensuring that the proposed Project complies with CDFW regulations and with the California Environmental Quality Act.

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

*Attachment: CDFW comment letter dated January 23, 2020
Map of Distances to Recorded Species.*

*cc: Jim Vang, CDFW
file*



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 23, 2020

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

**Subject: Dunn Asphalt and Concrete Batch Plant (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2019011039**

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the County of Tulare Resource Management Agency for the above-referenced Project pursuant to 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, CDFW appreciates 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 Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and 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.

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.

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

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, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, implementation of the Project could result in pollution of Waters of the State from storm water runoff or Project-related erosion. Potential impacts to the wildlife resources that utilize these watercourses include, but are not limited to, the following: increased sediment input from vegetation removal and ground disturbance causing increased erosion; toxic runoff associated with Project implementation; temporal loss of wildlife habitat; and/or impairment of wildlife movement along riparian corridors. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: County of Tulare Resource Management Agency

Objective: The Project proposes the development of an asphalt and concrete batch plant. The Project is being proposed by Dunn's Equipment, Inc. to produce concrete, asphalt, and recycle concrete and asphalt on an approximately 20.0-acre site. The concrete batch plant is expected to produce 100,000 cubic yards of concrete per year.

Aggregate, cement, and fly ash will be delivered to the site and ready-mix concrete will be delivered from the site. The concrete and asphalt recycling operation will consist of accepting broken concrete and asphalt from contractors. The concrete and asphalt will be crushed into recycled base; it is anticipated that 30,000 tons of recycled base will be produced per year and delivered from the site. The hot-mix asphalt (HMA) batch plant is expected to produce 125,000 tons of HMA per year. Aggregate, oil, and propane will be delivered to the site and HMA will be delivered from the site. The Project would generate approximately 276 (round-trip) truck trips per day, and 30 employee vehicle round trips per day. The Project will operate Monday-Saturday, generally from 7 a.m. to 7 p.m.; 50 weeks of the year.

Location: The Project site is located at 7763 Avenue 280 which is located along the south side of Avenue 280, approximately one mile west of State Route 99 and east of Road 68, in an unincorporated area of Tulare County.

Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

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

Currently, the DEIR indicates that the Project's impacts would be less than significant with the implementation of mitigation measures. However, as currently drafted, the mitigation measures described may not be sufficient in reducing impacts to a level that is less than significant. In particular, CDFW is concerned regarding adequacy of mitigation measures for special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State candidate endangered tricolored blackbird (*Agelaius tricolor*).

If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, a Mitigated Negative Declaration (MND) would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. When an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures, as needed, that will reduce impacts to less than significant levels.

I. Environmental Setting and Related Impact

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 the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Swainson's Hawk (SWHA)

Mitigation Measure 3.4-1 through 3.4-3: Nest Avoidance, Nesting Bird Surveys, and Buffers

Issue: SWHA have the potential to nest within and near the Project site. The California Natural Diversity Database (CNDDDB) shows SWHA occurrences approximately 1 mile from the Project site (CDFW 2020). The proposed Project will involve ground-disturbing activities that will have an impact on SWHA foraging habitat and potentially affecting active nests.

Specific impacts: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Evidence impact is potentially significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, editing the Draft Environmental Impact Report (DEIR) to include the following measures specific to SWHA, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 1: SWHA Surveys

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project

implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 2: No-disturbance Buffer

If ground-disturbing Project activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW acknowledges that Mitigation Measure 3.4-2 states that pre-construction surveys for SWHA will be conducted within ½ miles from the Project site and that this is consistent with CDFW recommendations. However, Mitigation Measure 3.4-3 does not specify a no-disturbance buffer, but states that a qualified biologist will establish an appropriate no-disturbance buffer based on species tolerance of human disturbance, baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. CDFW recommends a minimum no-disturbance buffer of ½-mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If this buffer is not feasible, or if the Project intends to reduce the buffers based on the previously listed criteria, consultation with CDFW is warranted to discuss how these criteria will be implemented and determine if the Project will avoid take.

Recommended Mitigation Measure 3: SWHA Take Authorization

As stated above, CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b) is necessary to comply with CESA.

COMMENT 2: Tricolored Blackbird (TRBL)

Mitigation Measure 3.4-1 through 3.4-3: Nest Avoidance, Nesting Bird Surveys, and Buffers

Issue: TRBL have the potential to occur near the Project site. Review of aerial imagery indicates that the agricultural practices on the Project site and adjacent properties may involve dense low vegetation crop fields (i.e. wheat and/or alfalfa fields). These types of agricultural crop fields are known to serve as TRBL nest colony sites.

Specific impact: Without appropriate avoidance and minimization measures for TRBL, potential significant impacts include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Approximately 86% of the global population is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). Increasingly, TRBL are forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). In 2017, approximately 30,000 TRBL were distributed among only 16 colonies in Merced County (Meese 2017). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Meese et al. 2014).

Recommended Potentially Feasible Mitigation Measure(s)

Because suitable habitat for TRBL is present throughout and/or adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, editing the DEIR to include the following measures specific to TRBL, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 4: TRBL Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment of the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for TRBL.

Recommended Mitigation Measure 5: TRBL Surveys

CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 6: TRBL Avoidance

If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015* (CDFW

2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation.

Recommended Mitigation Measure 7: TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.

II. Editorial Comments and/or Suggestions

Nesting birds: The Project area likely provides nesting habitat for birds. CDFW encourages that Project implementation occur during the bird non-nesting season. However, if ground-disturbing or vegetation-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.

CDFW agrees with Mitigation Measure 3.4-2 of the DEIR that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance. These pre-activity surveys serve to maximize the probability that nests that could potentially be impacted are detected. While Mitigation Measure 3.4-2 indicates that pre-activity nest survey distance from the Project site is species dependent, CDFW recommends extending the survey radius around the Project site to 500 feet for TRBL as stated above. As part of these surveys, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project ground- or vegetation- disturbing activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If during ground- or vegetation activities continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends 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 on-site 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 Project site 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.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

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

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

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 254, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

Literature Cited

- CDFW. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. March 19, 2015.
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- Weintraub, K., T.L. George, and S.J. Dinsmore. 2016. Nest survival of tricolored blackbirds in California's Central Valley. The Condor 118(4): 850–861.

Attachment 5

Comments Received from California Environmental
Protection Agency. California Department of Resources
Recycling and Recovery (CalRecycle), January 24, 2020
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

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

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

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

April 2, 2020

SENT VIA EMAIL

Joy Isaacson, Environmental Scientist
Department of Resources Recycling and Recovery
Waste Permitting, Compliance & Mitigation Division
Permitting & Assistance Branch – South Unit
P.O. Box 4025
Sacramento, CA 95812

Subject: Response to Comments – DUNN ASPHALT AND CONCRETE BATCH PLANT
(PSP 18-049), SCH# 2019011039

Dear Mr. McCreary:

Thank you for providing Department of Resources Recycling and Recovery (CalRecycle) email (dated January 7, 2020) and letter response (dated January 24, 2020) regarding the Draft Environmental Impact Report (DEIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) Project, State Clearinghouse #2019011039.

The County of Tulare (County) acknowledges and recognizes CalRecycle's authority and expertise regarding transportation, storage, and use of recycled materials relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subjects: Following is a summary of CalRecycle's comments subjects: a) Notice of Preparation (NOP); b) incoming material; c) traffic volume; d) hours of operation; e) debris material and Local Enforcement Agency (LEA).

Comment Subject 1(a): CalRecycle provided an NOP comment letter.

Response: CalRecycle is correct. The County inadvertently did not include CalRecycle as a commenting agency. The inadvertency has been noted in the Errata.

Comment Subject 1(b): Incoming material.

Response: Per the applicant, only clean concrete and asphalt will be received. Turn-around of materials will be less than four months from receiving concrete and asphalt until processed and shipped out. Each load will be inspected to ensure no residual materials from contaminated the final product, also resulting in no excess waste. Raw materials would arrive sporadically (e.g., seasonal and market fluctuations), as such, it would be difficult to place a limit of tonnage input per day and have limited the Project to an annual tonnage amount.

Comment Subject 1(c): Please clarify peak hours for the traffic as well as the facility.

Response: Please note that ES-2 does not include the acronym “PCE” regarding truck trips. Commenter’s note of 138 PCE, 106 in the morning and 17 PCE in the afternoon, is inaccurate. These numbers reflect estimated *truck trips per day* [emphasis added]. For clarification, there is a difference between PCE (passenger car equivalents) and estimated traffic volumes. As noted in the DEIR, “Passenger car equivalents (PCE) represent the number of passenger cars displaced by a single heavy vehicle (vehicles with more than four wheels touching the pavement during normal operations) under certain roadway, traffic, and control conditions. The use of PCEs compensates for the operational characteristics of heavy vehicles (e.g., slower acceleration and deceleration than passenger vehicles) as well as the roadway space displaced. The Transportation Research Board Highway Capacity Manual, 6th Edition, identifies a PCE factor of 2.0 for a default mix of trucks in level terrain on highway segments. A greater PCE factor is reasonable for 25-ton capacity trucks because these trucks are long, heavy, accelerate more slowly, and require more distance to decelerate. For purposes of peak hour operations, a PCE of 3.0 is applied for the 25-ton capacity trucks, a PCE of 2.0 is applied for ready-mix trucks and three-axle trucks, and a PCE of 1.5 is applied for two-axle trucks. Table 5 [of the TIS] presents a summary of the peak hour Project trips in terms of PCE.”¹ As such, the PCE is not an actual estimate of vehicles trips, rather, as noted earlier, it represents the number of passenger cars that one, heavy vehicle is equivalent to. For example, 1 heavy vehicle can equal 1.5, 2.0, or 3.0 passenger cars; thus, a PCE from 5 heavy vehicles can equal 7.5, 10.0, 15.0 passenger cars; respectively. Actual estimated vehicle trips are shown in Table 3.17-3 (Table 4 of the TIS), Table 3.17-4 (an extrapolation from Table 4 of the TIS), and Table 3.17-4 5 (Table 15 of the TIS) as opposed to the PCE shown in Table 5 (of the TIS).

The traffic study used the generally accepted estimation technique of 7:00 A.M – 9:00 A.M morning peak hours and 4:00 P.M to 6:00 P.M. evening peak hours. However, as operations are anticipated to commence at 6:00 A.M., some vehicle trips will occur one hour prior to the typical morning peak hours and are not counted during the A.M. peak. The site will include two types of truck trips consisting of importing of materials (virgin or for recycling) import and exporting of asphalt, cement, and base rock (from recycled material). When operating at maximum capacity, the proposed Project will generate up to 138 truck trips (combined import and export) per day.

¹ Draft Environmental Impact Report. Dunn Asphalt and Concrete Batch Plant. SCH No. 2019011039 Page 3.17-9. Available at: <https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/draft-environmental-impact-report-for-the-dunn-asphalt-and-concrete-batch-plant-psp-18-049/>.

Comment Subject 1(d): Please clarify the allowable hours of operation. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours (i.e., night-time traffic projects or disaster debris handling).

Response: The asphalt plant (while at full capacity) will operate up to six days per week between 6:00 A.M. – 4:00 P.M. An average of 15 employees will be on-site at the facility at any given time and days of operation. In addition to vehicles entering the site (by employees, vendors/suppliers, trucks transporting virgin material, and materials to be recycled), other activities include internal movement of stockpiled materials to the asphalt or cement batch plant; operation of the batch plants; and loading asphalt, concrete, and recycled material into heavy-duty vehicles for transport outside of the site. Operating hours will be limited to generally daytime hours (that is, 6:00 A.M. to 4:00 P.M.) Monday – Saturday. It is possible that summer hours may extend beyond 4:00 P.M. to take advantage of sunlight and the heat (e.g., for concrete to dry more efficiently after it is poured). The Project will not operate on Sundays. It is not anticipated that any ancillary hours would be needed, all site activities would occur between 6:00 A.M. – 4:00 P.M., including maintenance. The need to analyze emergency hours is speculative and cannot be analyzed for CEQA purposes. It is likely; however, that special consideration would be given should emergency circumstances merit such a deviation from approved work schedules.

Comment Subject 1(e): “An “Inert Debris Recycling Center” shall not be subject to CalRecycle’s Construction and Demolition/Inert Debris Regulatory Requirements of Title 14, California Code of Regulations (14 CCR), if it meets the requirements as listed in 14 CCR, Section 17381.1. Please determine whether or not the proposed facility meets the following summarized criteria to be considered an inert debris recycling center:

- [1(e)(1)] An activity that only receives Type A inert debris material, such as concrete and fully cured asphalt, that has been source separated or separated for reuse (14CCR, Section 17381.1[a][2]).
- [1(e)(2)] Residual amount of solid waste in the material is less than 10 percent by weight of the amount of material received, as calculated on a monthly basis (14 CCR, Section 17381.1[b][1]).
- [1(e)(3)] The amount of putrescible wastes in the material is less than one percent by volume of the amount of material received and the putrescible wastes shall not constitute a nuisance, as determined by the Enforcement Agency (14 CCR, Section 17381.1[b][2]).
- [1(e)(4)] Material that has not been processed and sorted for resale or reuse shall be stored on-site for no more than six months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14CCR, Section 17381.1[e]).
- [1(e)(5)] Material that has been processed and sorted for resale shall be stored on-site for no more than 12 months. Material stored on-site longer than allowed is

- deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]).”
- [1(e)(6)] If the proposed project meets the criteria above, it is recommended that operator of inert debris recycling center maintain adequate records documenting that they meet the criteria above.
- [1(e)(7)] The Tulare County Department of Health Services, Division of Environmental Health is the Local Enforcement Agency (LEA) for Tulare County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting.”

Response: The applicant has provided additional information as requested by CalRecycle as follows which will be implemented as Conditions of Approval for the Project:

- 1(e)(1) The applicant will only receive clean concrete and asphalt. They cannot have any other debris for the final product to meet Caltrans' Class II base rock standards.
- 1(e)(2) All loads will be subject to inspection to ensure only clean concrete and asphalt will be received. All contaminated materials will not be accepted.
- 1(e)(3) Putrescible wastes would contaminate the Caltrans Class II base rock, as such, each load will be inspected and contaminated materials will not be accepted.
- 1(e)(4) The concrete and asphalt materials received will be processed every four months on average, as such, the applicant will comply with the 6-month limit.
- 1(e)(5) The processed materials will be sold every three months on average, as such, the applicant will comply with the 12-month limit.
- 1(e)(6) The applicant shall maintain adequate records for the above criteria as recommended by CalRecycle.
- 1(e)(7) Comment Noted. Tulare County HHSA/EHS/LEA is aware of this project and agrees that they have regulatory oversight of this Project, as applicable.

The project will be taken to the Tulare County Planning Commission on April 15, 2020, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project. The Final EIR will be available on April 3, 2020, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>

In closing, we sincerely appreciate CalRecycle's comments which will be useful toward ensuring that the proposed Project complies with CalRecycle regulations and with the California Environmental Quality Act.

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

*Attachment: CalRecycle email dated January 7, 2020
CalRecycle comment letter dated January 24, 2020
Changes to Appendix G of the DEIR as identified in the Errata (including tracking table and CalRecycle
letter dated February 7, 2019).*

*cc: Jeff Hackett, Manager, CalRecycle
Keith Jahnke, Tulare County LEA
file*

From: Hector Guerra
To: Jessica Willis
Date: 1/7/2020 2:53 PM
Subject: Fwd: RE: NOP Dunn Asphalt and Concrete Batch SCH 2019011039
Attachments: NOP CalRecycle comments Dunn SCH2019011039 stamped 2-11-2019.pdf

Here's what CalRecycle sent us, we'll need to correct the inadvertency.

>>> "Isaacson, Joy@CalRecycle" <Joy.Isaacson@CalRecycle.ca.gov> 1/2/2020 12:01 PM >>>

Hi Hector,

I am reviewing the DEIR and saw that Appendix G states that no comments were received by CalRecycle. Attached is the letter I sent to the State Clearinghouse and below is the email I sent you with the comment letter. I will most likely resend the same comments but just wanted to note that I did send a comment letter. Thanks and Happy New Year!

[cid:image002.jpg@01D5C164.50221940]

Joy Isaacson
Permitting & Assistance Branch
Waste Permitting, Compliance, & Mitigation Division
CalRecycle
(916) 341-6772
Fax (916) 319-7377
joy.isaacson@calrecycle.ca.gov

From: Isaacson, Joy@CalRecycle
Sent: Thursday, February 7, 2019 1:41 PM
To: 'Hector Guerra' <HGuerra@co.tulare.ca.us>
Cc: 'Keith Jahnke' <KJahnke@tularehhsa.org>; Hackett, Jeff@CalRecycle <Jeff.Hackett@CalRecycle.ca.gov>; Tanner, Eric@CalRecycle <Eric.Tanner@calrecycle.ca.gov>; Whitehill, Jon@CalRecycle <Jon.Whitehill@CalRecycle.ca.gov>
Subject: NOP Dunn Asphalt and Concrete Batch SCH 2019011039

Dear Mr. Guerra,

Attached is CalRecycle's comments on the proposed project. A copy will be sent to the State Clearinghouse as well. A paper copy will not be mailed to you unless requested. Please call or email me if you have any questions.

Sincerely,

Joy Isaacson
Permitting & Assistance Branch
Department of Resources, Recycling & Recovery (CalRecycle)
Office: (916) 341-6772
Fax: (916) 319-7277
joy.isaacson@calrecycle.ca.gov<<mailto:joy.isaacson@calrecycle.ca.gov>>



January 24, 2020

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

Subject: Notice of Completion of a Draft Environmental Impact Report for
the Dunn Asphalt and Concrete Batch Plant, SCH# 2019011039,
Tulare County

Dear Mr. Guerra:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The Tulare County Resource Management Agency, acting as Lead Agency, has prepared and circulated a Notice of Completion (NOC) for a Draft Environmental Impact Report (DEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Dunn Asphalt and Concrete Batch Plant (proposed project) is located south of Avenue 280 between Road 76 and State Route 99 at 19800 Road 152 within the unincorporated area of Visalia in Tulare County. The project site is approximately 20 acres, and the site is currently zoned Extensive Agriculture (AE-40). The site was originally used as a cotton gin with existing buildings and is surrounded by agricultural and dairy operations.

The proposed project would allow a truck yard and concrete and asphalt recycling operation. Approximately 30,000 tons per year of concrete and asphalt would be accepted from contractors, crushed into recycling base, then mixed with aggregate, cement, and/or fly ash to produce ready-mix concrete. The hot-mix asphalt (HMA) batch plant will produce approximately 125,000 tons per year of HMA. The proposed project anticipates 306 (278 project, 30 employee) passenger car equivalents (PCE) with hours of operation of 6 a.m. to 4 p.m. Monday through Friday, and 7 a.m. to 12 p.m. on Saturdays; summer hours may begin earlier and end after 6 p.m. The facility would employ 15-20 people and includes a 1,000 square foot office building.

COMMENTS/QUESTIONS

Appendix G of the DEIR states that no comments were received by CalRecycle for the NOP dated January 18, 2019. A comment letter was sent to the Lead Agency on February 7, 2019 via email and was received/stamped by the State Clearinghouse on February 11, 2019.

General project description: Incoming material - Will only source-separated concrete and asphalt be accepted? Will any other material be accepted (e.g., lumber)? How will any residual material be handled and/or disposed of? How much material can be accepted in one day? Will there be a daily limit on incoming material (in tons)? Please describe how material will be stored and for how long. Will there be a limit on the amount of material or how long the material can be stored onsite?

Page ES-3: The project description for traffic volume states that 138 PCE will occur with 106 truck trips in the morning and 17 PCE in the afternoon. The numbers are inconsistent with each other and the project description. What is the total allowed daily traffic volume? Also, the proposed hours of operation, proposed traffic times, and the Transportation/Traffic study peak hours are inconsistent. The proposed project description states that traffic will occur during peak morning hours and afternoon hours. The peak traffic study on page 3.17 states these hours are 7 a.m. to 9 a.m., and 4 p.m. to 6 p.m., however, hours of operation are anticipated to be 6 a.m. to 4 p.m. Please clarify peak traffic hours for the facility as well as the traffic study. Will traffic be limited during those times of the day?

Page 1-1: The project description for proposed hours of operation are 6 a.m. to 4 p.m. Monday through Friday, and 7 a.m. to 12 p.m. on Saturdays; summer hours may begin earlier and end after 6 p.m. Please clarify the allowable hours of operation. Will any hours during the day or night be restricted? Is operation on Sundays restricted? Please include operation hours as well as ancillary hours (i.e., maintenance), and/or emergency hours (i.e., night-time traffic projects or disaster debris handling).

An "Inert Debris Recycling Center" shall not be subject to CalRecycle's Construction and Demolition/Inert Debris Regulatory Requirements of Title 14, California Code of Regulations (14 CCR), if it meets the requirements as listed in 14 CCR, Section 17381.1. Please determine whether or not the proposed facility meets the following summarized criteria to be considered an inert debris recycling center:

- An activity that only receives Type A inert debris material, such as concrete and fully cured asphalt, that has been source separated or separated for reuse (14 CCR, Section 17381.1[a][2]).
- Residual amount of solid waste in the material is less than 10 percent by weight of the amount of material received, as calculated on a monthly basis (14 CCR, Section 17381.1[b][1]).
- The amount of putrescible wastes in the material is less than one percent by volume of the amount of material received and the putrescible wastes shall not

constitute a nuisance, as determined by the Enforcement Agency (14 CCR, Section 17381.1[b][2]).

- Material that has not been processed and sorted for resale or reuse shall be stored on-site for no more than six months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]).
- Material that has been processed and sorted for resale shall be stored on-site for no more than 12 months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]).

If the proposed project meets the criteria above, it is recommended that operator of inert debris recycling center maintain adequate records documenting that they meet the criteria above.

Please see the following website for more information on Construction/Demolition and Inert Debris processing:

<https://www.calrecycle.ca.gov/SWFacilities/CDI/>

The Tulare County Department of Health Services, Division of Environmental Health is the Local Enforcement Agency (LEA) for Tulare County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting. Please contact the LEA, Keith Jahnke at (559) 624-7400, to discuss the regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at (916) 341-6772 or by e-mail at Joy.Isaacson@calrecycle.ca.gov.

Sincerely,



Joy Isaacson, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Jeff Hackett, Manager, CalRecycle
Keith Jahnke, Tulare County LEA

NOTICE OF PREPARATION Dunn Asphalt & Concrete Batch Plant (PSP 18-049)– SCH# 2019011039											
AGENCY / ENTITY	DOCUMENTS SENT					DELIVERY METHOD				COMMENTS RECEIVED	
	Hard Copy			CD		Hand Delivered / Interoffice	E-mail	FedEx	Certified US Mail		Return Receipt
	Cover Letter	NOC	NOP	Electronic Submittal Form	NOP						
AVAILABILITY OF PUBLIC VIEWING											
Tulare County Resource Management Agency 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X			1/18/19					
Tulare County Website: http://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/											
STATE CLEARINGHOUSE (Agencies below were marked with "X" on the NOC)											
• Air Resources Board	X	X	15			1/17/19 813792804227				1/18/19, OPR distributed the NOP to State agencies	
• California Highway Patrol										No Response Received	
• Caltrans District #6										No Response Received	
• Caltrans Planning										See Below	
• Department of Conservation										No Response Received	
• Department of Fish and Wildlife Region #4										1/29/19, letter received from Monique Wilber, with recommendations for the discussion in the Ag Resources section of the EIR	
• Department of Food and Agriculture										No Response Received	
• Department of Forestry and Fire Protection										No Response Received	
• Native American Heritage Commission										No Response Received	
• Regional Water Quality Control Board District #5F										1/25/19, letter received from Sharaya Souza regarding requirements for compliance with SB 18 and AB 52	
• Resources Agency										No Response Received	
• State Water Resources Control Board – Water Quality										No Response Received	
• Department of Toxic Substances Control										No Response Received	
• CalRecycle – Recycling and Recovery										No Response Received	
FEDERAL AGENCIES											
Federal Aviation Administration 4955 E. Anderson Fresno, CA 93727 (559) 454-0286		X							1/18/19 70142870000108471006	1/22/19	
U.S. Army Corps of Engineers Sacramento District 1325 J Street, Room 1350 Sacramento, CA 95814-2922		X							1/18/19 70142870000108471013	1/22/19	
United States Department of Agriculture Natural Resources Conservation Service Visalia Service Center 3530 W. Orchard Ct. Visalia, CA 93277-7055		X							1/18/19 70142870000108471020	1/22/19	
United States Fish and Wildlife Service Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846		X							1/18/19 70142870000108471037	1/22/19	
Natural Resources Conservation Service 1400 Independence Ave SW Room 5105-A Washington, DC 20250-1111		X							1/18/19 70142870000108471044	1/24/19 green receipt never returned but USFS website shows as delivered	

NOTICE OF PREPARATION Dunn Asphalt & Concrete Batch Plant (PSP 18-049)–SCH# 2019011039										
AGENCY / ENTITY	DOCUMENTS SENT					DELIVERY METHOD				
	Hard Copy		CD		NOP	Hand Delivered // Interoffice	E-mail	FedEx	Certified US Mail	Return Receipt
	Cover Letter	NOC	Electronic Submittal Form	NOP						
Natural Resources Conservation Service Visalia Service Center 3530 W. Orchard Ct. Visalia, CA 93277-7055				X					1/18/19 70142870000108471051	1/22/19 No Response Received
STATE & REGIONAL AGENCIES										
California Department of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 93710 IVANCE@dfl.ca.gov Jennifer.Gianetta@wildlife.ca.gov				X			1/18/19		1/18/19 70142870000108471068	1/22/19 No Response Received
California Department of Transportation, District 6 Mike Navarro, Chief, Planning Branch 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93778-2616 michael.navarro@dot.ca.gov				X			1/18/19		1/18/19 70142870000108471075	1/22/19 No Response Received
California Department of Transportation, District 6 David Deel, Associate Transportation Planner 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93778-2616 david.deel@dot.ca.gov				X			1/18/19		1/18/19 70142870000108471082	1/22/19 2/15/19, Letter received providing recommendations for the TIS
Regional Water Quality Control Board Region 5F – Central Valley Attn: Doug Patteson 1685 E Street Fresno, CA 93706 Doug.Patteson@waterboards.ca.gov				X			1/18/19		1/18/19 70142870000108471099	1/22/19 No Response Received
San Joaquin Valley Unified Air Pollution Control District 1990 E. Gettysburg Ave. Fresno, CA 93726 CEQA@valleair.org Patia.Siong@valleair.org Brian.Clements@valleair.org				X			1/18/19		1/18/19 70142870000108471105	1/29/19 2/20/19, letter received from Brian Clements regarding emissions analysis, health risk analysis, ambient air quality analysis, and Air District regulations
LOCAL AGENCIES										
City of Visalia Attn: City Manager 220 N. Santa Fe Street Visalia, CA 93292				X					1/18/19 70142870000108471112	1/22/19 No Response Received
City of Visalia Planning Department Attn: Paul Bernal, City Planner 315 E. Acacia Avenue Visalia, CA 93291 Paul.Bernal@visalia.city				X					1/18/19 70142870000108471129	1/22/19 No Response Received
City of Tulare Attn: City Manager 411 E. Kern Avenue Tulare, CA 93274				X					1/18/19 70142870000108471136	1/22/19 No Response Received

NOTICE OF PREPARATION **Dunn Asphalt & Concrete Batch Plant (PSP 18-049) – SCH# 2019011039**

AGENCY / ENTITY	DOCUMENTS SENT				DELIVERY METHOD					COMMENTS RECEIVED
	Hard Copy		CD		Hand Delivered / Interoffice	E-mail	FedEx	Certified US Mail	Return Receipt	
	Cover Letter	NOC	NOP	Electronic Submittal Form						
City of Tulare Community Development Attn: Josh McDonnell, Director 411 E. Kern Ave. Tulare, CA 93274 jmcdonnell@tulare.ca.gov			X					1/18/19 70142870000108471143	1/22/19	No Response Received
County of Kings Community Development Agency Planning Division Attn: Toni Laist/Sydney Highfill 1400 W. Lacey Blvd. #6 Hanford, CA 93230			X					1/18/19 70142870000108471150	1/22/19	No Response Received
Tulare County Agricultural Commissioner 4437 S. Lasplina Street Tulare CA 93274			X					1/18/19 70162070000049837202	1/22/19	No Response Received
Tulare County Airport Land Use Commission • Bill Whilatch • Steve Dwelle						1/18/19 (VQuiroz sent email)			---	No Response Received
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291			X					1/18/19 70162070000049837219	1/22/19	No Response Received
Tulare County Farm Bureau Attn: Tricia Stever Blattler, Executive Director P.O. Box 748 Visalia, CA 93291			X					1/18/19 70162070000049837226	1/29/19	No Response Received
Tulare County Fire Warden 835 S. Akers Street Visalia, CA 93277			X		1/18/19					No Response Received
Tulare County Health and Human Services Agency Environmental Health Department Attn: Allison Shuklan 5957 S. Mooney Blvd Visalia, CA 93277			X		1/18/19					1/31/19, letter received from Ted Martin regarding potential Hazardous Materials Business Plan and Solid Waste Facility Permit
Tulare County Local Agency Formation Commission 210 N. Church Street, Suite B Visalia, CA 93291			X		1/18/19					No Response Received
Tulare County Office of Emergency Services Attn: Sabrina Bustamonte / David Le 5957 S. Mooney Blvd Visalia, CA 93277			X		1/18/19					No Response Received
Tulare County RMA – Flood Control Attn: Ross Miller			X		1/18/19					No Response Received
Tulare County RMA – Tulare County Fire Attn: Gilbert Portillo / John Meyer			X		1/18/19					No Response Received
Tulare County RMA – Public Works Attn: Hernan Beltran / Johnny Wong			X		1/18/19					No Response Received
Tulare County Resources Conservation District 3530 W. Orchard Ct Visalia, CA 93277			X					1/18/19 70162070000049836588	1/22/19	No Response Received
Tulare County Sheriff Headquarters 2404 W. Burrel Avenue Visalia, CA 93291			X		1/18/19					No Response Received
Tulare County UC Cooperative Extension 4437 S. Lasplina Street Tulare, CA 93274			X					1/18/19 70162070000049836595	1/22/19	No Response Received

NOTICE OF PREPARATION **Dunn Asphalt & Concrete Batch Plant (PSP 18-049)– SCH# 2019011039**

AGENCY / ENTITY	DOCUMENTS SENT				DELIVERY METHOD					COMMENTS RECEIVED
	Hard Copy		CD		Hand Delivered / Interoffice	E-mail	FedEx	Certified US Mail	Return Receipt	
	Cover Letter	NOC	NOP	Electronic Submittal Form						
Tulare Irrigation District Aaron Sukeida, General Manager PO Box 1920 Tulare, CA 93274			X					1/18/19 70162070000049836533	Unknown – green receipt never returned and USPS website shows in-transit still as of 11/26/19 and	No Response Received
TRIBES										
Kern Valley Indian Council Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240		X						1/18/19 70162070000049836601	1/23/19 There is another one sent to the same person ending in 7233	No Response Received
Kern Valley Indian Council Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240		X						1/18/19 70162070000049836472	1/23/19	No Response Received
Santa Rosa Rancheria Tachi Yokut Tribe Rueben Barrios Sr., Chairperson P. O. Box 8 Lemoore, CA 93245		X						1/18/19 70162070000049836489	1/22/19	No Response Received
Santa Rosa Rancheria Tachi Yokut Tribe Shana Powers, Cultural Specialist P. O. Box 8 Lemoore, CA 93245		X						1/18/19 70162070000049836496	1/22/19	No Response Received
Santa Rosa Rancheria Tachi Yokut Tribe Greg Cuara, Cultural Specialist P. O. Box 8 Lemoore, CA 93245		X						1/18/19 70162070000049836502	1/22/19	No Response Received
Torres Martinez Desert Cahulla Indians Michael Mirelez, Cultural Resource Coordinator P. O. Box 1160 Thermal, CA 92274		X						1/18/19 70162070000049836519	1/22/19	No Response Received
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240		X						1/18/19 70162070000049836526	---	2/8/19 NOTICE RETURNED: "Return to sender, Unclaimed, Unable to forward"
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258		X						1/18/19 701428700000108470917	1/23/19 USPS website shows in-transit still as of 11/26/19	2/21/19 RKashiwa and CChi called number on record (760 223-3918) and left message but nobody returned call. The also called the phone number obtained from website (760 379-4590) but the person answering said it was a wrong number. No Response Received

NOTICE OF PREPARATION Dunn Asphalt & Concrete Batch Plant (PSP 18-049)– SCH# 2019011039											
AGENCY / ENTITY	DOCUMENTS SENT				DELIVERY METHOD						COMMENTS RECEIVED
	Hard Copy		CD		Hand Delivered / Interoffice	E-mail	FedEx	Certified US Mail	Return Receipt		
	Cover Letter	NOC	NOP	Electronic Submittal Form						NOP	
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258			X						1/18/19 70142870000108470900	1/23/19 USPS website shows in- transit still as of 11/26/19	No Response Received
Tule River Indian Tribe Environmental Department Felix Christman, Tribal Monitor P. O. Box 589 Porterville, CA 93258			X						1/18/19 70142870000108470924	1/23/19 USPS website shows in- transit still as of 11/26/19	No Response Received
Wuksachi Indian Tribe Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906			X						1/18/19 70142870000108470931	1/23/19	No Response Received
OTHER INTERESTED PARTIES											
4Creeks, Inc. 324 S. Santa Fe St. Visalia, CA 93292 Attn: Richard Walker richardw@4-creeks.com		X							1/18/19 70142870000108470948	1/23/19	No Response Received
Dunn's Equipment Inc. Attn: Mark Dunn 303 N. Ben Maddox Way Visalia, CA 93292		X							1/18/19 70142870000108470955	1/22/19	No Response Received
Southern California Edison Attn: Calvin Rossi, Region Manager Local Public Affairs 2425 S. Blackstone St. Tulare, CA 93274		X							1/18/19 70142870000108470962	1/23/19	No Response Received
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292		X							1/18/19 70142870000108470979	1/28/19	No Response Received
La Joya Middle School Attn: Travis Hambleton, Principal 4711 W. La Vida Ave. Visalia, CA 93277		X							1/18/19 70142870000108470986	1/22/19	No Response Received
Linwood Elementary School Attn: Natalie Taylor, Principal 3129 S. Linwood Street Visalia, CA 93277		X							1/18/19 70142870000108470993	1/22/19	No Response Received
Sequoia Baptist Academy 3435 S. Linwood St. Visalia, CA 93277		X							1/18/19 70162070000049836540	1/22/19	No Response Received
Visalia Christian Schools 3737 S. Akers St. Visalia, CA 93277		X							1/18/19 70162070000049836557	---	1/24/19 NOTICE RETURNED: "Return to sender. Refused unable to forward."
Visalia Montessori School 3502 S. Linwood St. Visalia, CA 93277		X							1/18/19 70162070000049836564	1/22/19	No Response Received
Visalia Unified School District Attn: Todd Oto, Superintendent 5000 W. Cypress Ave. Visalia, CA 93277		X							1/18/19 70162070000049836571	1/22/19	No Response Received



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

February 7, 2019

Governor's Office of Planning & Research

FEB 11 2019

STATE CLEARINGHOUSE

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

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report for the
Dunn Asphalt and Concrete Batch Plant, SCH# 2019011039, Tulare County

Dear Mr. Guerra:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The Tulare County Resource Management Agency, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Dunn Asphalt and Concrete Batch Plant (proposed project) is located south of Avenue 280 between Road 76 and State Route 99 at 19800 Road 152 within the unincorporated area of Visalia in Tulare County. The project site is approximately 20 acres, and the site is currently zoned Extensive Agriculture (AE-40). The site was originally used as a cotton gin with existing buildings, and is surrounded by agricultural and dairy operations.

The proposed project would allow a truck yard and concrete and asphalt recycling operation. Approximately 30,000 tons per year of concrete and asphalt would be accepted from contractors, crushed into recycling base, then mixed with aggregate, cement, and/or fly ash to produce ready-mix concrete and hot-mix asphalt (HMA). Anticipate 390 passenger car equivalents (PCE). Anticipated hours of operation are 6 a.m. to 4 p.m. Monday through Friday, and 7 a.m. to 12 p.m.; summer hours may begin earlier and end after 6 p.m. The facility would employ 15-20 people and includes a 1,000 square foot office building.



COMMENTS

CalRecycle staff's comments for the NOP are summarized in the table below:

Chapter/Section	Page and Location	Comment
NOP	Page 2: Project Description	Incoming material. Will only source-separated concrete and asphalt be accepted? Will any other material be accepted (i.e. lumber). How will any residual material be handled and/or disposed of? How much material can be accepted in one day? Will there be a daily limit on incoming material (in tons)? Please describe how material will be stored and for how long.
NOP	Page 2: Project Description	Traffic Volume. The project description states that 280 PCE will occur in the morning and 110 PCE in the afternoon. Is 390 PCE the total allowed daily traffic volume?
NOP	Page 2: Project Description	Hours of Operation. The proposed hours of operation are 6 a.m. to 4 p.m. Monday through Friday, and 7 a.m. to 12 p.m.; summer hours may begin earlier and end after 6 p.m. Please clarify the allowable hours of operation. Will any hours during the day or night be restricted? Please include operation hours as well as ancillary hours (i.e. maintenance), and/or emergency hours (i.e. night-time traffic projects; or disaster debris handling).
NOP	Page 2: Project Description & Page 10: Transportation/Traffic	The proposed hours of operation, proposed traffic times, and the Transportation/Traffic study peak hours are inconsistent. The proposed project description states that traffic will occur during peak morning hours and afternoon hours. The peak traffic study on page 10

Chapter/Section	Page and Location	Comment
		states these hours are 7 a.m. to 9 a.m., and 4 p.m. to 6 p.m. however hours of operation are anticipated to be 6 a.m. to 4 p.m. Please clarify peak traffic hours for the facility as well as the traffic study.
NOP	all	<u>Inert Debris Recycling Center</u> An "Inert Debris Recycling Center" shall not be subject to CalRecycle's Construction and Demolition/Inert Debris Regulatory Requirements of Title 14, California Code of Regulations (14 CCR), if it meets the requirements as listed in 14 CCR, Section 17381.1. In summary, an activity that meets the following criteria is considered an inert debris recycling center: • An activity only receives Type A inert debris material, such as concrete and fully cured asphalt, that has been source separated or separated for reuse (14 CCR, Section 17381.1[a][2]). • Residual amount of solid waste in the material is less than 10 percent by weight of the amount of material received, as calculated on a monthly basis (14 CCR, Section 17381.1[b][1]). • The amount of putrescible wastes in the material is less than one percent by volume of the amount of material received and the putrescible wastes shall not constitute a nuisance, as determined by the Enforcement Agency (14 CCR, Section 17381.1[b][2]). • Material that has not been processed and sorted for resale or reuse shall be stored on-site for no more than six months. Material stored on-site longer than allowed

Chapter/Section	Page and Location	Comment
		is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]). Material that has been processed and sorted for resale shall be stored on-site for no more than 12 months. Material stored on-site longer than allowed is deemed unlawfully disposed and subject to enforcement action (14 CCR, Section 17381.1[e]). Will the proposed project be designed and operated to meet the criteria above? It is recommended that operators of inert debris recycling centers maintain adequate records documenting that they meet the criteria above. Please see the following website for more information on Construction/Demolition and Inert Debris processing: https://www.calrecycle.ca.gov/SWFacilities/CDI/

Solid Waste Regulatory Oversight

The Tulare County Department of Health Services, Division of Environmental Health is the Local Enforcement Agency (LEA) for Tulare County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting. Please contact the LEA, Keith Jahnke at (559) 624-7400 to discuss the regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at (916) 341-6772 or by e-mail at Joy.Isaacson@calrecycle.ca.gov.

Sincerely,



Joy Isaacson, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Jeff Hackett, Manager
Permitting & Assistance Branch – South Unit

Keith Jahnke, Tulare County LEA

Attachment 6

Comments Received from San Joaquin Valley Unified Air
Pollution Control District (Air District), February 13, 2020
and
County Response to Comments



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA 93277.

PHONE (559) 624-7000

FAX (559) 730-2653

Aaron R. Bock

Economic Development and Planning

Reed Schenke

Public Works

Sherman Dix

Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

April 2, 2020

SENT VIA EMAIL

Arnaud Marjollet, Director of Permit Services
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Ave.
Fresno, CA 93726-0244

Subject: Response to Comments – DUNN ASPHALT AND CONCRETE BATCH PLANT
(PSP 18-049), SCH# 2019011039

Dear Mr. Marjollet:

Thank you for providing the San Joaquin Valley Air Pollution Control District (Air District) letter response (dated February 13, 2020) regarding the Draft Environmental Impact Report (DEIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) Project, State Clearinghouse #2019011039.

The County of Tulare (County) acknowledges and recognizes the Air District's authority and expertise regarding air quality issues relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment Subject 1: Non-Permitted Operational Emissions. Table 3.3-10 indicate NOx emissions exceeding the Air District's Significance threshold. The Air District received supplemental information from the County correcting the inadvertent double-counting of non-permitted operational emissions. Based on the corrected analysis, the District supports the County's conclusion that non-permitted operations would be below the District's Significance threshold for NOx. The District recommends the corrected emissions analysis be included in the Final EIR.

Response: *As recommended by the District, the County will include the corrected emissions analysis in the Final EIR. The County appreciates the Air District diligence in reviewing the supplemental analysis provided by the County and the Air District's support of our conclusions.*

Comment Subject 2: District Rule and Regulations. The Project may be subject to the following District rules and regulations: (a) District permits/Authority to Construct; (b) Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations); (c) Rule 9410 (employer Based Trip Reduction); and (d) the listed rules is neither exhaustive nor exclusive.

Response:

- 2(a) Comment noted. The applicant has initiated the process to obtain applicable Air District permits and Authorities to Construct. A copy of the permit applications for a Stationary Concrete Batch Plant, a Hot Mix Asphalt Plant, and a Concrete and Asphalt Recycling Plant are included in Appendix "A" of the DEIR. Also, the Health Risk Assessment and a determination of the applicability of an Ambient Air Quality Analysis for this Project are included in Appendix "A". As the Air District is the Responsible Agency in regards to the air quality resource, Conditions of Approval will be included as part of the Project to ensure that the applicant complies with applicable Air District permits, authorities to construct, etc.*
- 2(b) The applicant is aware that the Project will be subject to various Air District rules/regulation including, but not limited to, Regulation VIII or the other rules summarized in the Air District's comment letter. As the Air District is the Responsible Agency in regards to the air quality resource, the County will require Conditions of Approval as part of the Project to ensure the applicant implements applicable Air District rules/regulations.*
- 2(c) Rule 9410 (employer Based Trip Reduction) does not apply to this Project as the Project, when fully operations, will employ fewer than 100 employees or triggers other criteria established by the Air District. As noted in DEIR Chapter 6 Economic, Social, and Growth-Inducing Effects, the Project is anticipated to provide up to 20 jobs; as such, the Air District's threshold of 100 employees is not realized or exceeded.*
- 2(d) The County defers to the judgement of the Air District regarding applicability of rules; as such, we do not disagree that the list of rules provided by the Air District is neither exhaustive nor exclusive. As noted earlier, the County will require Conditions of Approval as part of the Project to ensure the applicant implements applicable Air District rules/regulations.*

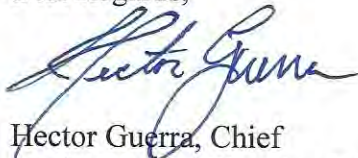
The project will be taken to the Tulare County Planning Commission on April 15, 2020, for consideration of recommending that the Tulare County Board of Supervisors certify the Final EIR and approve the project. The Final EIR will be available on April 3, 2020, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/dunn-asphalt-and-concrete-batch-plant/>

In closing, we sincerely appreciate the Air District's comments which will be useful toward ensuring that the proposed Project complies with Air District regulations and with the California Environmental Quality Act.

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

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachment: Air District comment letter dated February 13, 2020

Cc: File



February 13, 2020

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

Tulare County
Resource Management Agency

FEB 24 2020

Project: Draft Environmental Impact report (EIR) for Dunn Asphalt and Concrete Batch Plant (PSP 18-049)

District CEQA Reference No: 20191403

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) for the Dunn Asphalt and Concrete Batch Plant (PSP 18-049) project. The proposed project consists of developing the following: 1) a concrete batch plant to produce up to 100,000 cubic yards of concrete per year; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year; 3) recycling of 30,000 cubic yards per year of concrete and asphalt to be crushed into recycled base on approximately 20.0 acre site (Project), located at 7763 Avenue 280, Visalia, CA 93277. The District offers the following comments:

1. Non-Permitted Operational Emissions

Table 3.3-10 on page 3.3-30 of the Draft EIR addresses operational emissions from non-permitted sources and identifies the non-permitted operational NOx emissions as being above the District Significance Threshold of 10 tons per year for NOx. The DEIR includes measures to assist with reducing the project's emissions and found the air impact for criteria pollutants to be significant and unavoidable.

During the public review process for the Draft EIR, the County of Tulare (County) submitted supplemental information to the District explaining that the Draft EIR overestimated the non-permitted operational emissions. Per the County, the initial analysis mistakenly doubled the non-permitted operational emissions associated with truck trips. Therefore, subsequently a corrected analysis was provided to the District for review. The corrected analysis demonstrates that NOx emissions for non-permitted operations would be below the District Significance threshold for NOx. Based on the

Samir Sheikh
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

corrected analysis, the District supports the County's conclusion that non-permitted operations would be below the District Significance threshold for NOx. The District recommends the County provide the corrected emissions analysis in the Final EIR. Additionally, the County has indicated that the corrected emissions analysis will be included in the Final EIR.

2. District Rules and Regulations

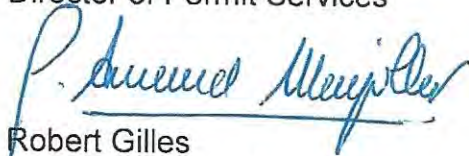
This Project may be subject to the following District rules and regulations:

- A. Certain equipment operating at the facility may require District permits. Prior to the start of construction, the Project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- B. The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- C. The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org.
- D. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please contact Michael Corder at (559) 230-6000.

Sincerely,

Arnaud Marjollet
Director of Permit Services


for Robert Gilles
Program Manager

AM: mc

Attachment 7

Letter from State of California, Office of Planning and
Research, State Clearinghouse Unit, January 28, 2020
and
OPR CEQAnet Printout



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

January 28, 2020

Tulare County
Resource Management Agency

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

FEB 03 2020

Subject: Dunn Asphalt and Concrete Batch Plant (PSP 18-049)
SCH#: 2019011039

Dear Hector Guerra:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 1/27/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019011039/2> . Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

SCH Number 2019011039

Project Info

Title Dunn Asphalt and Concrete Batch Plant (PSP 18-049)

Description The County of Tulare Resource Management Agency (RMA) will be preparing an Environmental Impact Report to evaluate the environmental effects associated with the development of an asphalt and concrete batch plant. The project is being proposed by Dunn's Equipment, Inc to produce up to 100,000 cubic yards of concrete per year of asphalt for retail/commercial sale on an approximately 20.0 acre site located south of Avenue 280 between Road 76 and State Route 99. The site is currently zoned as AE-40.

The concrete batch plant is expected to produce cubic yards of concrete per year. Aggregate, cement, and fly ash will be delivered to the site and ready-mix concrete will be delivered to the site and ready-mix concrete will be delivered from the site. The concrete and asphalt recycling operation will consist of accepting broken concrete and asphalt from contractors. The concrete and asphalt will be crushed into recycled base; it is anticipated that 30,000 tons of recycled base will be produced per year and delivered from the site. The hot-mix asphalt (HMA) asphalt plant is expected to produce 125,000 tons of HMA per year. Aggregate, oil, propane will be delivered from the site. The project would generate approx. 280 passenger car equivalent (PCE) trips during the morning peak travel periods, and 110 PCE trips during the evening peak travel periods. Site access will be provided via one main driveway connecting to the south side of Avenue 280 approximately 1,000 feet east of Road 76.

[Download CSV](#)[New Search](#)

2 documents in project

Type	Lead Agency	Received	Title
EIR	Tulare County	12/13/2019	Dunn Asphalt and Concrete Batch Plant (PSP 18-049)
NOP	Tulare County	1/18/2019	Dunn Asphalt and Concrete Batch Plant (PSP 18-049)

Dunn Asphalt and Concrete Batch Plant (PSP 18-049)

Summary

SCH Number	2019011039
Lead Agency	Tulare County
Document Title	Dunn Asphalt and Concrete Batch Plant (PSP 18-049)
Document Type	EIR - Draft EIR
Received	12/13/2019
Project Applicant	Dunn's Equipment Inc.
Present Land Use	Shop, Equipment Yard, and Farming/ AE-40 (Extensive Agriculture - 40 Acre Minimum)/ Agriculture

Document Description	The County of Tulare Resource Management Agency (RMA) will be preparing an Environmental Impact Report (EIR) to evaluate the environmental effects associated with the development of an asphalt and concrete batch plant (Project). The Project is being proposed by Dunn's Equipment, Inc. (Applicant) to produce, concrete, asphalt, and recycle concrete and asphalt on an approximately 20.0 acre site located south of Avenue 280 between Road 76 and State Route (SR) 99. The site is currently zoned as AE-40. The concrete batch plant is expected to produce 100,000 cubic yards of concrete per year. Aggregate, cement, and fly ash will be delivered to the site and ready-mix concrete will be delivered from the site. The concrete and asphalt recycling operation will consist of accepting broken concrete and asphalt from contractors. The concrete and asphalt will be crushed into recycled base; it is anticipated that 30,000 tons of recycled base will be produced per year and delivered from the site. The hot mix asphalt (HMA) batch plant is expected to produce 125,000 tons of HMA per year. Aggregate, oil, and propane will be delivered to the site and HMA will be delivered from the site. The Project would generate approximately 276 (round-trip) truck trips per day, and 30 employee vehicle round trips per day. Site access will be provided via one main driveway connecting to the south side of Avenue 280 approximately 1,000 feet east of Road 76. The Project will operate Monday-Saturday, generally from 7 a.m. to 7 p.m.; 50 weeks of the year.
-----------------------------	--

Contact Information	Hector Guerra County of Tulare
	5961 S. Mooney Blvd. Visalia, CA 93277-9394
	Phone : (559) 624-7121

Location

Coordinates	36°17'52.8"N 119°24'0.08"W
Cities	Visalia
Counties	Tulare
Cross Streets	Avenue 280 and State Route 99
Zip	93277
Total Acres	20
Parcel #	119-010-039
State Highways	SR 99

Railways	SPRR
Airports	Visalia Municipal Airport
Schools	Sycamore Valley Academy
Waterways	Mill Creek, South Fork Persian Ditch, Evans Ditch, Packwood Creek Tulare Canal
Township	19S
Range	24E
Section	8
Base	MDBM

Notice of Completion

Review Period Start	12/13/2019
Review Period End	1/27/2020
Development Type	Industrial (20 Acres, 15-20 Employees) Other (Asphalt & Concrete Batch Plant)
Local Action	Use Permit
Project Issues	Aesthetic/Visual Agricultural Land Air Quality Archaeologic-Historic Biological Resources Drainage/Absorption Flood Plain/Flooding Forest Land/Fire Hazard Geologic/Seismic Minerals Noise Population/Housing Balance Public Services Recreation/Parks Schools/Universities Septic System Sewer Capacity Soil Erosion/Compaction/Grading Solid Waste Toxic/Hazardous Traffic/Circulation Tribal Cultural Resources Vegetation Water Quality Water Supply Wetland/Riparian Growth Inducing Land Use Cumulative Effects
Reviewing Agencies	California Air Resources Board California Department of Conservation California Department of Forestry and Fire Protection California Department of Parks and Recreation California Department of Transportation, Division of Aeronautics California Department of Water Resources California Highway Patrol California Native American Heritage Commission California Natural Resources Agency California Public Utilities Commission California Regional Water Quality Control Board, Central Valley Fresno Region 5 California State Lands Commission Central Valley Flood Protection Board Office of Historic Preservation State Water Resources Control Board, Division of Water Quality State Water Resources Control Board, Division of Water Rights Department of Toxic Substances Control California Department of Transportation, District 6 California Department of Fish and Wildlife, Central Region 4 California Department of Resources Recycling and Recovery

Attachments

Environmental Document	3 PDF 643 K 3 PDF 1063 K Dunn_AQ-GHG_memo_12-10-19 PDF 1917 K DUNN_DEIR_APPENDICES PDF 46010 K DUNN_DEIR_CHAPTERS PDF 9509 K NOA_Public Notice_Dunn Asphalt PDF 86 K Summary Form PDF 142 K
NOC	NOC PDF 1448 K
State Comments	2019011039_CALRECYCLE Comment Letter DEIR Dunn Asphalt 1-24-2020 PDF 161 K 2019011039_CDFW_Dunn Asphalt and Concrete Batch Plant PDF 3009 K 2019011039_DTSC_Dunn Asphalt and Concrete Batch Plant PDF 1693 K 2019011039_TUL-99-36 PDF 597 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit [OPR's Accessibility Site](#).

Mitigation Monitoring and Reporting Program Chapter 8

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Environmental Impact Report (EIR) for the proposed Project. The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body is going to approve a project and certify the EIR that it also adopt a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain the following elements:

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

Table 8-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the Draft EIR.

The first column of **Table 8-1** identifies the Mitigation Measure. The second column, entitled “Monitoring Timing/Frequency,” identifies the time the Mitigation Measure should be initiated and the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The third column,

“Action Indicating Compliance,” identifies the requirements of compliance with the Mitigation Measure. The fourth column, “Monitoring Agency,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Person/Agency Conducting Monitoring/Reporting” names the party/agency/entity responsible for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored.

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 8-1 Mitigation Monitoring and Reporting Program							
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
					Initials	Date	Remarks
AESTHETICS							
3.1-1	Landscape screening (with a 5-year grow out schedule to maturity) shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project’s structures and activities from the public right-of-way and views from Avenue 280 and along the western, eastern, and southern boundaries of the Project. A landscaping plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector		
3.1-2	The silos shall be painted in earth-toned colors to allow them to blend into the surrounding scenery to the fullest extent.	Prior to Issuance of Building Permit.	Verified on submitted site plans.	Tulare County Building Inspector	Tulare County Building Inspector		
AGRICULTURE & FORESTRY RESOURCES							
3.2-1	The applicant will be required to create an agricultural land conservation easement at a ratio of 1 acre of developed property for 1 acre of conserved agricultural land (a 1:1 ratio). This amount of 1:1 will be represented by 19.33 acres within the County. Any replacement acreage will be to the satisfaction of the Planning Director of Tulare County. The applicant will purchase an agricultural land conservation easement, of like agricultural land within the County, on the entire 19.33 acres to be maintained and kept in agriculture in	Prior to Issuance of Building Permit.	Approval of Agricultural Land Conservation Easement.	County of Tulare Planning Department	County of Tulare Planning Department		

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

perpetuity. The “ultimate” agricultural easement shall be placed on other suitable and agriculturally compatible property, of the same soil types and arability, within Tulare County; at a replacement ratio of 1:1, and to be established as an agricultural land conservation easement in perpetuity.							
BIOLOGICAL RESOURCES							
<i>Swainson’s hawks and other raptors and migratory birds (including Loggerhead Shrike and Tricolored Blackbird)</i>							
3.4-1 (Avoidance). In order to avoid impacts to nesting birds, construction will occur, where possible, outside the nesting season, or between September 16 and January 31.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable.	County of Tulare Planning Department	Field survey by a qualified Biologist.			
3.4-2 (Pre-construction surveys). If construction must occur during the nesting season (February 1-September 15), a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days of the onset of project initiation. Nest surveys will include all accessible areas on the project site and within 250 feet of the project site for tricolored blackbird, loggerhead shrike, and other migratory birds; within 500 feet for non-listed raptors; and 0.5 miles for Swainson’s hawks. Inaccessible areas will be scanned with binoculars or spotting scope, as appropriate. If no active nests are found within the survey area, no further mitigation is required.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable.	County of Tulare Planning Department	Field survey by a qualified Biologist.			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

3.4-3 (Establish Buffers). If active nests are found within the survey areas a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance (for example, for tricolored blackbird, no less than 60 feet), baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended (specific to the species) or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
3.4-4 (Take Authorization). If active nests are found within the survey area during pre-construction surveys, a qualified biologist will contact the Sacramento Field Office of the USFWS and the Fresno Field Office of the CDFW immediately by phone or email to determine the best course of action. If in the event of accidental death or injury during project-related activities, the Sacramento Field Office of the USFWS and the Fresno Field Office of the CDFW shall be contacted immediately by phone or email to obtain the necessary authorization/take permit. 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.	Prior to or during construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
GEOLOGY AND SOILS							
3.7-1 Submit to the Tulare County RMA Director a grading and construction plan that highlights the planned locations of excavations or other	Prior to construction-	Approval by Tulare County RMA	County of Tulare Planning Department	County of Tulare Planning Department			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

ground alterations that would result in the exposure of soils at depths greater than 5 feet below existing grade within the project site.	related activities.						
3.7-2 a) In the event any paleontological resources are exposed or discovered during subsurface excavation or construction in areas not being monitored by the professional paleontologist, ground-disturbing operations shall stop within 25 feet of the find and the professional paleontologist shall be contacted immediately to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan. b) If paleontological resource are encountered, retain the services of a qualified professional paleontologist as recognized by the Museum of Paleontology at U.C. Berkeley. c) If paleontological resource are encountered, authorize the professional paleontologist to prepare a Paleontological Monitoring and Recovery Plan, following the guidelines of the Society of Vertebrate Paleontology (1995), and submit the Plan to the County for review and approval prior to ground disturbance. d) If paleontological resource are encountered, authorize the professional paleontologist to visually monitor the planned excavations that extend deeper than five (5) feet below existing grade at the project site. No monitoring of excavation or construction by the professional paleontologist is required outside the identified deep excavation areas within the project site. e) If paleontological resource are encountered, provide advance authorization to the	During construction-related activities.	Daily or as needed throughout the construction period if suspicious resources are discovered	County of Tulare Planning Department	County of Tulare Planning Department			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

professional paleontologist to implement all applicable provisions of the approved Paleontological Monitoring and Recovery Plan to ensure protection, preservation, and proper recovery of any paleontological resources, including reporting requirements.							
HAZARDS AND HAZARDOUS MATERIALS							
3.9-1 The Project proponent shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			
3.9-2 Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.	Prior to construction.	Approval by Tulare County Environmental Health.	County of Tulare Planning Department	County of Tulare Planning Department			
NOISE							
3.13-1 Construction-related activities (e.g., set-up), excluding emergency work and activities that would result in a safety concern to the public or construction workers, shall be limited to between the hours of 7:00 A.M. and 7:00 P.M.	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Construction-related activities (e.g., set-up) activities shall be prohibited on Sundays and federal holidays.							
3.13-2 Construction-related activities (e.g., set-up) equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	During Construction	Daily or as needed throughout the construction	County of Tulare Planning Department	County of Tulare Planning Department			
TRANSPORTATION							
3.17-1 The Project Applicant will be responsible for paying an equitable share fee as determined between the Applicant and Caltrans based on the trips identified in Table 3.17-1 or through another methodology agreed upon by Applicant and Caltrans. Applicant and Caltrans will determine terms and timing of the equitable share.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department & Caltrans	Tulare County Planning Department			
3.17-2 The Project Applicant will pay their fair share towards the necessary maintenance based on a proportionate share calculation based on vehicle impact to the structural section for this roadway segment between SR 99 and the Tulare/Kings County line. This shall be made a Condition of Approval of the Project.	Prior to Issuance of Building Permit.	Payment of Fees	Tulare County Planning Department	Tulare County Planning Department			
TRIBAL CULTURAL RESOURCES							
3.18-1 In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	A qualified archaeologist shall document the results of field evaluation and shall recommend			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

In this event, the property owner shall retain a qualified archaeologist/paleontologist to provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.				further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
3.18-2 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during Project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Tulare County Planning Department	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his authorized representative shall 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							
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Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

c. The landowner or his authorized representative rejects the recommendation of the descendent.							
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ERRATA AND AFFECTED AND CORRECTED PAGES OF THE EIR

TYPOGRAPHICAL CORRECTIONS

Revisions and clarifications to the DEIR are indicated by ~~strikeout~~ text (e.g. ~~strikeout~~), indicating deletions, and underline text (e.g. underline), indicating additions. Corrections of typographical errors (such as punctuation, capitalization, spelling, general formatting, etc.) have been made throughout the document and are not included in the summary below.

The following typographical errors are included indicated by ~~strikeout~~/underline text, and are summarized below.

1. **Table of Contents:** Page numbers were corrected to reflect the correct pagination within the DEIR; specifically the following:
 - a. Executive Summary, Project Benefits now reflects page ES-8;
 - b. Executive Summary, Summary of Potential Impacts & Mitigation Measures now reflects page ES-16;
 - c. Chapter 2, Actions Required for Implementation now reflects page 2-5;
 - d. Chapter 4, Summary of Cumulative Impacts not reflects page 4-15;
 - e. Chapter 4, References now reflects page 4-19;
 - f. Chapter 6, Demographics now reflects page 6-1;
 - g. Chapter 7, References now reflects page 7-5;
 - h. Figures 2-1, 2-2, and 2-3 now reflect pages 2-6, 2-7, and 2-8, respectively;
 - i. Table ES-2 now reflects pas ES-16; and
 - j. Table 3.3-15 now reflects page 3.3-43.
2. **Mitigation Measure Numbers:** For purposes of consistent formatting, Mitigation Measures numbers have been revised throughout the DEIR, (that is, within the Executive Summary, Chapter 3, and Chapter 8), specifically the following:
 - a. **Hazards and Hazardous Materials:** Mitigation Measures 8-1 and 8-2 are now Mitigation Measures 3.9-1 and 3.9-2, respectively;
 - b. **Noise:** Mitigation Measures 13-1 and 13-2 are now Mitigation Measures 3.13-1 and 3.13-2, respectively;

- c. **Transportation:** Mitigation Measures 17-1 and 17-2 are now Mitigation Measures 3.17-1 and 3.17-2, respectively; and
- d. **Tribal Cultural Resources:** Mitigation Measures 18-1 and 18-2 are now Mitigation Measures 3.18-1 and 3.18-2, respectively.

CHANGES MADE IN RESPONSE TO COMMENTS RECEIVED

Revisions and clarifications to the DEIR made in response to comments and information received on the DEIR are indicated by strikeout text (e.g. ~~strikeout~~), indicating deletions, and underline text (e.g. underline), indicating additions. Revisions are identified below or, if indicated, are included as attachments to this document.

3. In Response to California Department of Fish and Wildlife (CDFW):

a. Chapter 3.4 Biological Resources, Page 3.4-17:

“Based on this analysis, implementation of **Mitigation Measures 3.4-1** through **3.4-3** (shown as Mitigations 3.3-a, 3.3-b, and 3.3-c in the BE included in Appendix “B”)- and **Mitigation Measure 3.4-4** would reduce potential Project-specific impacts related to this Checklist Item to *Less Than Significant With Mitigation.*”

- b. **Chapter 3.4 Biological Resources, Page 3-18, Mitigation Measure 3.4-3:** This measure is included in Table ES-2 of the Executive Summary, Chapter 3.4 Biological Resources, and in the Table 8-1 of Chapter 8 Mitigation Monitoring and Reporting Program.

“3.4-3 (Establish Buffers). If active nests are found within the survey areas a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance (for example, for tricolored blackbird, no less than 60 feet), baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.³³”

- c. **Chapter 3.4 Biological Resources, Page 3-18, Mitigation Measure 3.4-4:** This measure is included in Table ES-2 of the Executive Summary, Chapter 3.4 Biological Resources, and in the Table 8-1 of Chapter 8 Mitigation Monitoring and Reporting Program.

“3.4-4 (Take Authorization). If active nests are found within the survey area during pre-construction surveys, a qualified biologist will contact the Sacramento Field Office of the USFWS and the Fresno Field Office of the CDFW immediately by phone or email to determine the best course of action. If in the event of accidental death or injury during project-related activities, the Sacramento Field Office of the USFWS and the Fresno Field Office of the CDFW shall be contacted immediately by phone or email to obtain the necessary authorization/take permit. 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.”

d. **Chapter 3.4 Biological Resources, Page 3.4-18:**

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

e. **Condition of Approval:**

In addition to adding Mitigation Measure 3.4-4, a Condition of Approval will be placed on the Project requiring that a qualified biologist conduct surveys for nesting birds consistent with the Swainson’s Hawk Technical Advisory Committee 2000 guidelines.

4. **In Response to California Department of Resources Recycling and Recovery (CalRecycle):**

- a. **Appendix G:** The NOP Tracking Table has been updated to reflect the DTSC comments received on February 7, 2019. For a copy of the updated table, see Chapter 10 Response to Comments of the Final EIR.
- b. **Appendix G:** The CalRecycle NOP Comment Letter, dated February 7, 2019, has been added to appendix and placed between the letters from the Tulare County Health and Human Services Agency and California Department of Transportation so that the letters are organized by date received. For a copy of the updated table, see Chapter 10 Response to Comments of the Final EIR.

5. **In Response to San Joaquin Valley Air Pollution Control District (Air District):**

Prior to the close of the 45-day public review period for the DEIR, Tulare County Resource Management Agency (RMA) staff identified inadvertent discrepancies in the Vehicle Miles Traveled (VMT) assessed for the Project. As VMT plays an important role in evaluation of potential impacts to air quality, energy, and greenhouse gas resources, RMA staff submitted supplemental data and analysis to the Air District for their review. In their comment letter, the Air District supported the supplemental analysis and recommended that the County provide the supplemental analysis in the FEIR. As such, RMA staff prepared the “Technical Memorandum – Vehicles Miles Traveled” to evaluate potential impacts to air quality, energy, and greenhouse gas resources using the Air District-supported VMT analysis. The technical memorandum is included in Attachment “1”.

- a. **Chapter 3.3 Air Quality:** The impact analyses discussed in Checklist Items a) and b) have been revised to reflect the supplemental analysis using the VMT calculations provided to the Air District. See Attachment “2” for the strikeout/ underline version of the text. To assist in the review of the errata contained in this chapter, all other revisions and corrections made to this chapter are also included in the attachment and are not addressed below. (Only the affected pages are included in the attachment.)
- b. **Chapter 3.6 Energy:** Fuel (gasoline and diesel) consumption are directly related to VMT. Generally, the lower the VMT, the lower the fuel consumption; likewise, the higher the VMT, the higher the fuel consumption. Vehicle type and weight and fuel efficiency also play a role in fuel consumption. Generally, larger vehicles have lower fuel efficiencies and high fuel consumption than smaller vehicles. As such, the

supplemental VMT analysis provided to the Air District has been used to evaluate potential impacts related to energy sources. The tables and discussion throughout this chapter have been revised to reflect the supplemental VMT calculations provided to the Air District. See Attachment “3” for the strikeout/underline version of the text. (Only the affected pages are included in the attachment.)

- c. **Chapter 3.8 Greenhouse Gas Emissions:** The impact analyses discussed in Checklist Item a) has been revised to reflect the VMT calculations provided to the Air District, specifically Table 3.8-3. See Attachment “4” for the strikeout/ underline version of the text. To assist in the review of the errata contained in this chapter, all other revisions and corrections made to this chapter are also included in the attachment and are not addressed below. (Only the affected pages are included in the attachment.)

OTHER CHANGES AND CORRECTIONS

- 6. **Executive Summary:** This template language for different sections of this chapter was inadvertently not updated with Project-specific information. This chapter has been revised to include the Project-specific details that were adequately identified in subsequent chapters of the DEIR. These corrections and clarifications are summarized below. See Attachment “5” for the strikeout/underline version of the text. (Only the affected pages are included in the attachment.)
 - a. **Page ES-1:** The introductory paragraph has been revised to reflect the Project-specific conclusion that the Project would not result in any significant impacts to the environment.
 - b. **Page ES-5:** The last sentence on the page has been clarified to clearly indicate that there are 106 General Plan Policies that apply to this Project.
 - c. **Pages ES-8 through ES-15:** These pages have been corrected to provide Project-specific details regarding the contents of the DEIR.
 - d. **Page ES-15:** The references identified in the “Chapter 9 EIR Preparation” discussion has been revised to provide clarification of the resources cited.
 - e. **Page ES-16:** Table ES-2 has been revised to be consistent with Chapter 8, Table 8-1 Mitigation Monitoring and Report Program.
- 7. **Chapter 1 Introduction:** Template language has been updated to provide Project-specific information and CEQA citations consistent with the 2019 CEQA Guidelines as identified below:
 - a. **Page 1-2:** “This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This Draft Environmental Impact Report (DEIR) acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the PlanProject, given its ~~long term planning horizon~~ the uncertainty of future market demand. 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)).”

- b. **Page 1-4:** “Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant ~~environmental~~ effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, ~~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 direct, indirect, or cumulative environmental impacts of locating development in ~~other~~ areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”⁷”
- c. **Pages 1-4 to 1-5:** “(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~~ shall 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.~~ The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

8. Chapter 3.1 Aesthetics, Page 3.1-7, Checklist Item a):

“Conclusion: ~~No~~ *Less Than Significant Impact With Mitigation*

As noted earlier, there are ~~No~~ *Less Than Significant Project-specific or Cumulative Impacts With Mitigation* related to this Checklist Item.”

9. Chapter 3.2 Agricultural Land and Forestry Resources, Page 3.2-1:

“SUMMARY OF FINDINGS

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

10. Chapter 3.5 Cultural Resources, Page 3.5-1:

“SUMMARY OF FINDINGS

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

11. Chapter 3.5 Cultural Resources, Pages 3.5-12 and 3.5-14, Checklist Items b) and c):

The Mitigation Measures were inadvertently not included in the discussion. The measures should be identified after the discussion for Cumulative Impacts and just before the Conclusion and should read as follows:

“Mitigation: *None Required.*

Conclusion: *No Impact*”

12. Chapter 3.10 Hydrology and Water Quality, Page 3.10-30, Checklist Item a):

“The proposed Project will be required to comply with the all requirements of the Central Valley Water Board and Tulare County Health Services Division (TCHSD). The proposed Project will be required to comply with Regional Water Quality Control Board and TCHSD rules/regulations, orders, permit requirements, etc., as a component of project design features., As the proposed Project will not result in a violation of any water quality standards or waste discharge requirements, the Project will not contribute to any cumulative impacts. Therefore, *Less Than Significant Impacts* related to this Checklist Item.”

13. Chapter 3.10 Hydrology and Water Quality, Page 3.10-36, Checklist Item e):

“This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, Tulare County 2030 General Plan EIR, and/or “*The Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant*” report (Hydrology and Water Quality Report, included in Appendix “E” of this document) prepared by consultants Mason GeoScience.

Therefore, based on the estimated groundwater usage, the proposed Project will ~~not have any~~ a Less Than Significant Impact related to this Checklist Item and ~~No~~ ***Less Than Significant Cumulative Impact*** related to this Checklist Item will occur.”

14. Chapter 3.19 Utilities and Service Systems, Page, 3.19-9, Checklist Item d):

“Conclusion: *No Impact*

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

15. Chapter 3.21 Mandatory Findings of Significance

a. Page 3.21-3, first paragraph:

“Section ~~4.3~~ 3.4 (Biological Resources) of the EIR fully addresses impacts related to the reduction of the fish or wildlife habitat, the reduction of fish or wildlife populations, and the reduction or restriction of the range of special-status species.”

b. Page 3.21-3 to 3.21-4, last paragraph:

“While changes to the environment that could indirectly affect human beings will be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, energy, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities, which are addressed in this EIR. Sections 3.3 Air Quality (~~including Greenhouse Gases (GHG)~~), 3.7 Geology and Soils, 3.8 Greenhouse Gases (GHG), 3.10 Hydrology and Water Quality, and 3.17 Transportation (including traffic) of this EIR (which are supported by Air Quality/GHG, Geology/Soils, Hydrology/Water Quality, and Traffic technical reports included in Appendices “A”, “D”, “E”, and “F”; respectively, of this document) fully addresses impacts related to these respective resources.”

c. Page 3.21-6, Checklist Item 3.4 a):

“Based on this analysis, implementation of **Mitigation Measures 3.4-1** through **3.4-3** (shown as Mitigations 3.3-a, 3.3-b, and 3.3-c in the BE included in Appendix “B”). and Mitigation Measure 3.4-4 would reduce potential Project-specific impacts related to this Checklist Item to ***Less Than Significant With Mitigation.***”

d. Page 3.21-7, Checklist Item 3.4 f):

“The geographic area of this cumulative analysis is the San Joaquin Valley, the State of California, and the Western United States. As noted in Chapter 3.4, cumulative impacts related to biological resources will be ***Less Than Significant*** with implementation of **Mitigation Measures 3.4-1** through ~~3.4-3~~ 3.4-4.”

Mitigation: ~~None—Required~~ ***See Mitigation Measures 3.4-1 through 3.4-4 outlined in Chapter 3.4.***

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

16. Chapter 4 Cumulative Impacts, Pages 4-16 through 4-19, Tables 4-2 and 4-3:

The identification of the significance of some impacts in Tables 4-2 and 4-3 were inadvertently unchanged from the template. The tables have been revised to reflect the conclusions made in Chapters 3.1 through 3.21. See Attachment “6” for the strikeout/underline version of the text. (Only the affected pages are included in the attachment.)

17. Chapter 5 Alternatives, Page 5-4:

“Pages 2-32 thru 2-43 contain details of the Project Specific Elements which are summarized as follows:

- Establishment of a permanent hot-mix asphalt and concrete batch plant operation and the use recycled asphalt and concrete.
- Production from 100,000 cubic yards of concrete per year, 30,000 tons of recycled asphalt and concrete as base material will be produced, and 150,000 tons of hot-mix asphalt (HMA) per year.
- Off-street parking (on a paved parking area) of 20 heavy-duty trucks and 14 stalls for employee vehicle parking.
- Estimated ~~73,207~~436,637 vehicle round-trips annually (of which ~~61,664~~31,457 would be 4-axle (~~20,000~~625) to 5-axle (~~41,664~~30,832) heavy-duty trucks).
- Use of an existing structure as an office and scale house building.”

18. Chapter 7. Immitigable Impacts:

As previously noted, RMA staff provided the Air District with supplemental information regarding VMT. The Air District, in their comment letter dated February 13, 2020, supported the conclusions regarding the Project’s impact on air quality utilizing this supplemental information. The DEIR indicated in Chapter 3.3 Air Quality that non-permitted sources (mobile sources, that is, vehicle exhaust) would result in NOx emissions that would exceed the Air District’s thresholds of significance. However, based upon the supplemental information provided, the Air District supports the conclusion that mobile source emissions would not exceed the thresholds of significance and therefore, would not have a significant impact on air quality. As such, the discussion in Chapter 7 were revised to reflect the conclusion that a Statement of Overriding Consideration is not required. See Attachment “7” for the strikeout/underline version of the text. (Only the affected pages are included in the attachment.)

19. Chapter 9. Report Preparation:

- a. Page 9-1: The positions held by two RMA staff have been revised to reflect their current position with the County.
“Johnny Wong Chief, ~~Economic Development and Planning~~Public Works Branch”
“Cheng Chi, Planner II”
- b. Qualifications/Resumes for four of the identified consultant have been added to the end of this chapter. See Attachment “8” for these documents.

Attachment “1”

Technical Memorandum Vehicle Miles Traveled March 17, 2020



RESOURCE MANAGEMENT AGENCY

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Aaron R. Bock Economic Development and Planning
Reed Schenke Public Works
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TECHNICAL MEMORANDUM

VEHICLE MILES TRAVELED

DATE: March 17, 2020

TO: Hector Guerra, Chief Environmental Planner

FROM: Jessica Willis, Planner IV

SUBJECT: Vehicle Miles Traveled (VMT) Analysis and Air Quality, Energy, and Greenhouse Gas Chapters for the Dunn Asphalt and Concrete Batch Plant EIR (SCH# 2019011039)

PROJECT DESCRIPTION

The Applicant is seeking to operate an asphalt and concrete batch plant (including concrete recycling) at 7763 Avenue 280 (just west of the City of Visalia) which is located along the south side of Avenue 280, west of State Route 99 (SR 99) and east of Road 76, in an unincorporated area of Tulare County (see Figures 1 to 3). The Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) permanent establishment of a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year on the proposed site; 2) recycling of 30,000 tons of concrete and asphalt per year to be crushed into recycled base on the proposed site (reclaimed asphalt pavement (RAP) plant); and 3) permanent establishment of a concrete batch plant that would produce 100,000 cubic yards (or approximately 200,000 tons) of concrete per year on the proposed site.

When operational, the proposed Project would utilize approximately 15-20 employees and include an approximate 1,000 square foot office. The Applicant is proposing to operate Monday-Friday between 6:00 a.m. to 4:00 p.m., and 7:00 a.m. to 12:00 p.m. (noon) on Saturdays (that is, a 312-day working year). Depending upon demand, summer hours may begin earlier than 6:00 a.m. Site access will be provided via one main driveway connecting to the south side of Avenue 280 approximately 1,000 feet east of Road 76. A majority of the trips will occur outside of peak hour times (i.e., between 7:00 a.m. and 9:00 a.m. (estimated at 20% of total trips per day), and between 4:00 and 6:00 p.m. (estimated at 10% of total trips per day).

PURPOSE AND NEED FOR ASSESSMENT

The County of Tulare (County) Resource Management Agency (RMA) released the Draft Environmental Impact Report (DEIR) for the proposed Dunn Asphalt and Concrete Batch Plant (Project) for a 45-day comment period beginning December 12, 2019 and ending January 27, 2019. The DEIR concluded that Project-related non-permitted (mobile) sources would result in

NOx emissions exceeding the San Joaquin Valley Unified Air Pollution Control District (Air District) 10 ton per year (tpy) threshold of significance and, as such, would have a significant and unavoidable impact on air quality.

After the release of the DEIR, in reviewing the Air Quality, Greenhouse Gas, and Energy chapters of DEIR, RMA staff noticed that Project-related vehicle miles traveled (VMT) used in the analyses of these chapters were overestimated; that is, some of the vehicle trips were double counted. RMA staff contacted the Air District by phone and discussed the VMT issue as it related to air quality and greenhouse gas. Subsequently, on January 28, 2020, RMA provided the Air District with supplemental information that explained that non-permitted (mobile) emissions were overestimated in the DEIR (see Attachments “A” and “B”). The Air District reviewed the supplemental information and provided comments on February 13, 2020, stating that the Air District supported the VMT analysis provided. The Air District confirmed that non-permitted Project-related NOx emissions would not exceed the Air District’s thresholds of significance and recommended that the corrected emissions analysis be included in the Final Environmental Impact Report (FEIR). As discussed below, **the Project will not have a significant impact on air quality and a Statement of Overriding Considerations is not required.**

In addition to air quality, VMT is a necessary component in the analyses of impacts resulting from Project-related greenhouse gases and fuel consumption. As such, this memo is intended to provide clarification of how Project-related VMT was calculated and to identify the changes to the Air Quality, Greenhouse Gas, and Energy chapters of the DEIR as a result of the corrected VMT analysis. These changes will be included in the FEIR and identified in the Errata chapter.

VMT ANALYSIS

As discussed in the DEIR, operation of the HMA, RAP, and concrete batch plants will result in consumption of gasoline and diesel fuels and the generation of criteria pollutant and greenhouse gas emissions associated with the transport of raw and finished materials, miscellaneous services, and employee trips. The DEIR (Chapter 3.17 Transportation, Table 3.17-1) indicates that the Project will result in **36,637 annual round-trips** (or **73,274 one-way trips**). **Table 1** summarizes the number of vehicle trips by activity types.

Table 1. Operational Activities-Related Vehicle Trips			
Source	No. of Vehicles Entering (1-way)	No. of Vehicles Exiting (1-way)	Total No. of Trips (1-way)
HMA Plant			
Aggregate (sand/gravel) Delivery Trucks	4,800	4,800	9,600
Oil Delivery Trucks	222	222	444
Propane Delivery Trucks	41	41	82
HMA Trucks (finished product)	6,000	6,000	12,000
Concrete Batch Plant			
Aggregate (sand/gravel) Delivery Trucks	6,400	6,400	12,800
Cement & Fly Ash Delivery Trucks	1,120	1,120	2,240
Ready Mix Concrete Delivery Trucks (finished product)	10,000	10,000	20,000
RAP Plant			
Recycled Material End Dumps	1,023	1,023	2,046
Recycled Material Delivery Trucks	625	625	1,250
Recycled Base Trucks (finished product)	1,200	1,200	2,400

Table 1. Operational Activities-Related Vehicle Trips			
Other			
Fuel Trucks (for on-site equipment)	26	26	52
Outside Services	250	250	500
Other Materials/Services	250	250	500
Employee Trips	4,680	4,680	9,360
TOTAL TRIPS	36,637	36,637	73,274

Vehicle emissions vary depending on their classification, typically with larger, heavier vehicles producing greater amounts of emissions when compared to smaller, lighter vehicles. The DEIR (Chapter 3.17 Transportation, Table 3.17-2) indicates that 31,957 annual round-trips (or 63,914 one-way trips) will be made by two- to five-axle trucks. The remaining 4,680 annual round-trips (or 9,360 one-way trips) are employee trips. **Table 2** identifies Project-related truck and employee vehicles by number of axles and vehicle classification.

Table 2. Vehicles by Axles and Classification		
Source	Axles	Classification
HMA Plant		
Aggregate (sand/gravel) Delivery Trucks	5	HHD
Oil Delivery Trucks	5	HHD
Propane Delivery Trucks	5	HHD
HMA Trucks (finished product)	5	HHD
Concrete Batch Plant		
Aggregate (sand/gravel) Delivery Trucks	5	HHD
Cement & Fly Ash Delivery Trucks	5	HHD
Ready Mix Concrete Delivery Trucks (finished product)	4	HHD
RAP Plant		
Recycled Material End Dumps	5	HHD
Recycled Material Delivery Trucks	3	MHD
Recycled Base Trucks (finished product)	5	HHD
Other		
Fuel Trucks (for on-site equipment)	5	HHD
Outside Services	2	LDT1, LDT2
Other Materials/Services	2	MDV
Employee Trips	n/a	LDA, LDT1, LDT2, MDV

The DEIR (Chapter 3.6 Energy, page 3.6-11) indicates that VMT has been characterized based on the likely market areas within round-trip distances. The DEIR (Chapter 3.6 Energy, Table 3.6-6) also provides a summary of Project-related fuel consumption based on trip distribution number and type of vehicle from each market area. **Tables 3 to 6** provide clarifying data on the how the information in Table 3.6-6 was determined.

The **Table 3** provides the round trip distances to various locations from the Project site.

Table 3. Trip Distances by Market Area		
Market Area	Round-Trip Distance (miles)	One-Way Trip Distance (miles)
Local (Visalia, Tulare, Goshen, and surrounding areas)	30	15
Porterville	68	34
Fresno County Line	36	18
Kern County Line	74	37

Table 4 provides the distribution of vehicle trips based on the anticipated market areas.

Table 4. Trip Distribution by Operational Activity				
Source	% Local	% Porterville	% Fresno County Line	% Kern County Line
HMA Plant				
Aggregate (sand/gravel) Delivery Trucks	0	100	0	0
Oil Delivery Trucks	30	0	35	35
Propane Delivery Trucks	30	0	35	35
HMA Trucks (finished product)	30	0	35	35
Concrete Batch Plant				
Aggregate (sand/gravel) Delivery Trucks	0	100	0	0
Cement & Fly Ash Delivery Trucks	30	0	35	35
Ready Mix Concrete Delivery Trucks (finished product)	30	0	35	35
RAP Plant				
Recycled Material End Dumps	30	0	35	35
Recycled Material Delivery Trucks	30	0	35	35
Recycled Base Trucks (finished product)	30	0	35	35
Other				
Fuel Trucks (for on-site equipment)	30	0	35	35
Outside Services	30	0	35	35
Other Materials/Services	85	15	0	0
Employee Trips	85	15	0	0

Table 5 provides the annual vehicle trips based on the market area and trip distribution.

Table 5. Annual Vehicle Miles Traveled by Operational Activity					
Source ¹	Total Vehicle Trips ²	Local Trips ³	Porterville Trips ³	Fresno Co. Trips ³	Kern Co. Trips ³
HMA Plant					
Aggregate (sand/gravel) Delivery Trucks (HHD)	9,600	0	9,600	0	0
Oil Delivery Trucks (HHD)	444	133	0	155	155
Propane Delivery Trucks (HHD)	82	25	0	29	29
HMA Trucks (finished product) (HHD)	12,000	3,600	0	4,200	4,200
Concrete Batch Plant					
Aggregate (sand/gravel) Delivery Trucks (HHD)	12,800	0	12,800	0	0
Cement & Fly Ash Delivery Trucks (HHD)	2,240	672	0	784	784
Ready Mix Concrete Delivery Trucks (finished product) (HHD)	20,000	6,000	0	7,000	7,000
RAP Plant					
Recycled Material End Dumps (HHD)	2,046	614	0	716	716
Recycled Material Delivery Trucks (MDV)	1,250	375	0	438	438
Recycled Base Trucks (finished product) (HHD)	2,400	720	0	840	840

Table 5. Annual Vehicle Miles Traveled by Operational Activity					
Source ¹	Total Vehicle Trips ²	Local Trips ³	Porterville Trips ³	Fresno Co. Trips ³	Kern Co. Trips ³
Other					
Fuel Trucks (for on-site equipment) (HHD)	52	16	0	18	18
Outside Services (LDT1)	250	75	0	87.5	87.5
Outside Services (LDT2)	250	75	0	87.5	87.5
Other Materials/Services (MDV)	500	425	75	0	0
Employee Trips (LDA)	2,340	1,989	351	0	0
Employee Trips (LDT1)	2,340	1,989	351	0	0
Employee Trips (LDT2)	2,340	1,989	351	0	0
Employee Trips (MDV)	2,340	1,989	351	0	0
TOTAL	73,274	20,685	23,879	14,355	14,355
<i>Note: Totals may not add up due to rounding.</i> ¹ Vehicle classification per Table 2 of this memo. ² Total vehicle trips per Table 1 of this memo. ³ Local, Porterville, Fresno County, and Kern County trips is the product of the trip distribution in Table 4 of this memo multiplied by total vehicle trips in this table.					

Table 6 provides the Project-related annual VMT. As indicated in the table, the Project is expected to result in **1,911,684 VMT annually**.

Table 6. Annual Vehicle Miles Traveled by Operational Activity					
Source ¹	Local Trip VMT ²	Porterville Trip VMT ²	Fresno Co. Trip VMT ²	Kern Co. Trip VMT ²	Total VMT ³
HMA Plant					
Aggregate (sand/gravel) Delivery Trucks (HHD)	0	326,400	0	0	326,400
Oil Delivery Trucks (HHD)	1,998	0	2,797	5,750	10,545
Propane Delivery Trucks (HHD)	369	0	517	1,062	1,948
HMA Trucks (finished product) (HHD)	54,000	0	75,600	155,400	285,000
Concrete Batch Plant					
Aggregate (sand/gravel) Delivery Trucks (HHD)	0	435,200	0	0	435,200
Cement & Fly Ash Delivery Trucks (HHD)	10,080	0	14,112	29,008	53,200
Ready Mix Concrete Delivery Trucks (finished product) (HHD)	90,000	0	126,000	259,000	475,000
RAP Plant					
Recycled Material End Dumps (HHD)	9,207	0	12,890	26,496	48,593
Recycled Material Delivery Trucks (MDV)	5,625	0	7,875	16,188	29,688
Recycled Base Trucks (finished product) (HHD)	10,800	0	15,120	31,080	57,000
Other					
Fuel Trucks (for on-site equipment) (HHD)	234	0	328	673	1,235
Outside Services (LDT1)	1,125	0	1,575	3,238	5,938
Outside Services (LDT2)	1,125	0	1,575	3,238	5,938
Other Materials/Services	6,375	2,550	0	0	8,925

Table 6. Annual Vehicle Miles Traveled by Operational Activity					
Source ¹	Local Trip VMT ²	Porterville Trip VMT ²	Fresno Co. Trip VMT ²	Kern Co. Trip VMT ²	Total VMT ³
(MDV)					
Employee Trips (LDA)	29,835	11,934	0	0	41,769
Employee Trips (LDT1)	29,835	11,934	0	0	41,769
Employee Trips (LDT2)	29,835	11,934	0	0	41,769
Employee Trips (MDV)	29,835	11,934	0	0	41,769
TOTAL	310,278	811,886	258,388	531,131	1,911,684
<i>Note: Totals may not add up due to rounding.</i>					
<i>1 Vehicle classification per Table 2 of this memo.</i>					
<i>2 Market area VMT is the product of the number of vehicle trips in Table 5 multiplied by the trip distances in Table 3 of this memo.</i>					
<i>3 Total VMT is the sum of the market area VMT.</i>					

Table 7 provides a summary of the Project-related annual VMT by vehicle type.

Table 7. Annual Vehicle Miles Traveled by Vehicle Type			
Vehicle Type	% of Off-Site Vehicle Trips	Total Off-Site Vehicle Trips	Total Off-Site VMT
HHD	84.2	61,664	1,694,120
LDA	3.2	1,250	29,688
LDT1	3.5	2,340	41,769
LDT2	3.5	2,590	47,707
MDV	3.9	2,590	47,707
MHD	1.7	2,840	50,694
TOTAL	100.0	73,274	1,911,684
<i>Note: Totals may not add up due to rounding.</i>			

As indicated in the table, heavy-duty trucks (HHD, MHD) make up approximately 85.9% of Project-related vehicle traffic, while employee trips, outside services, and other material/services (LDA, LDT1, LDT2, MDV) make up the remaining 14.1% of the vehicle traffic.

VMT AND AIR QUALITY

As previously noted, the operation of the HMA, RAP, and concrete batch plants will result in consumption of gasoline and diesel fuels and the generation of criteria pollutant emissions associated with the transport of product and employees. Chapter 3.3 Air Quality of the DEIR concludes that the Project will have Significant and Unavoidable Impacts regarding conflict with the applicable air quality plans (see Checklist Item a) and considerable cumulative increases in criteria pollutant emissions (see Checklist Item b) resulting from Project-related operational NOx (oxides of nitrogen) emissions. The conclusions in the DEIR made were based on an emissions analysis that utilized the round-trip distance as each one-way trip, resulting in an annual VMT of 3,364,167 miles. As such, the emissions presented in the DEIR over-estimated Project-related criteria pollutant emissions resulting from off-site vehicle trips.

As presented in **Table 6**, the Project will result in approximately **1,911,684 annual VMT**, or approximately 57% of the VMT that was assessed in the DEIR. As such, Project-related emissions associated with off-site vehicle travel would also be approximately 57% of those assessed in the DEIR.

Table 8 provides the off-site vehicle emissions based on the annual VMT of 1,911,684 miles.

Table 8. Off-Site Vehicle Emissions (tons/year) ¹						
Source	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Aggregate Material Delivery Trucks	0.0899	2.9814	0.3642	0.0114	0.0494	0.0473
Oil Delivery Trucks	0.0012	0.0413	0.0050	0.0002	0.0007	0.0007
Propane Delivery Trucks	0.0002	0.0076	0.0009	0.0000	0.0001	0.0001
HMA Trucks	0.0336	1.1157	0.1363	0.0043	0.0185	0.0177
Cement & Fly Ash Delivery Trucks	0.0063	0.2083	0.0254	0.0008	0.0035	0.0033
Ready Mix Concrete Trucks	0.0561	1.8594	0.2271	0.0071	0.0308	0.0295
Recycled Material End Dumps	0.0057	0.1902	0.0232	0.0007	0.0032	0.0030
Recycled Material Delivery Trucks	0.0077	0.1113	0.0205	0.0003	0.0030	0.0028
Recycled Base Trucks	0.0067	0.2231	0.0273	0.0009	0.0037	0.0035
Fuel Trucks (for on-site equipment)	0.0001	0.0048	0.0006	0.0000	0.0001	0.0001
Outside Services	0.0004	0.0018	0.0177	0.0000	0.0000	0.0000
Other Materials/Services	0.0003	0.0014	0.0126	0.0000	0.0000	0.0000
Employee Trips	0.0046	0.0209	0.2160	0.0006	0.0003	0.0003
Off-Site Vehicle Emissions Total	0.2129	6.7672	1.0769	0.0264	0.1133	0.1083
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No
<i>Note: Totals may not add up due to rounding.</i>						
<i>1 Emissions are the product of the VMT in Table 6 multiplied by the EMFAC emission factors for year 2021 provided in Table 5 of Attachment B to this memo.</i>						

Table 9 provides the total annual and daily non-permitted operational emissions, which includes emissions from on-site vehicle traffic, equipment, and fugitive dust, and off-site vehicle traffic.

Table 9. Total Non-Permitted Operational Emissions						
Source	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Annual Emissions (tons/year)						
On-site Vehicles, Equipment & Dust ¹	0.21	1.42	3.21	0.00	0.22	0.22
Off-site Vehicles ²	0.21	6.77	1.08	0.03	0.11	0.11
Annual Non-Permitted Total	0.42	8.19	4.29	0.03	0.34	0.33
Significance Threshold	10	10	100	27	15	15
Exceeds Significance Threshold?	No	No	No	No	No	No
Annual Emissions (pounds/day)						
On-site Exhaust ³	1.35	9.11	20.57	0.02	1.43	1.43
Off-site Exhaust ⁴	1.36	43.38	6.90	0.17	0.73	0.69
Daily Non-Permitted Total	2.71	52.49	27.47	0.19	2.16	2.12
AAQA Screening Threshold	100	100	100	100	100	100
Exceeds Screening Threshold?	No	No	No	No	No	No
<i>Note: Totals may not add up due to rounding.</i>						
<i>1 Emissions from Table 3.3-10 of the DEIR.</i>						
<i>2 Emissions from Table 8 of this memo.</i>						
<i>3 Emissions from Table 3.3-13 of the DEIR.</i>						
<i>4 Emissions are the product of the annual emissions multiplied by 2000 pounds, then divided by 312 working days per year.</i>						

As presented in **Table 9**, criteria pollutant emissions resulting from the combined on- and off-site non-permitted equipment and activities (mobile sources) would not exceed the Air District's significance thresholds. As such, pursuant to the Air District's guidance Project-related mobile source emissions would not conflict with or obstruct implementation of the applicable air quality plans. Also as presented in **Table 9**, Project-related mobile source emissions would not exceed the Air District's Ambient Air Quality Analysis screening threshold. As such, the Project would

not contribute substantially to an existing or projected air quality violation. Furthermore, the Project is consistent with the Tulare County General Plan, the Project will comply with all Air District regulations (including Regulation VIII Fugitive PM10 Prohibition and Air District permitting requirements), and the Applicant's fleet is and will continue to be compliant with California Air Resources Board (CARB) truck regulations. Therefore, the Project will have a **Less Than Significant Impact** on air quality with respect to Checklist Items a) and b).

As previously noted, the analysis presented in the DEIR over-estimates Project-related VMT by doubling one-way trips; that is, applying a round-trip distance to both in- and out-bound vehicles. As such, the DEIR (Chapter 3.3 Air Quality) over-estimates Project-related mobile source criteria pollutant emissions and concludes that Project-related operational NOx emissions will result in Significant and Unavoidable Impacts related to Checklist Items a) and b). However, as demonstrated in this memo, and confirmed by the Air District, criteria air pollutant emissions, including NOx, will not exceed the Air District's significance thresholds. Mitigation beyond compliance with Air District and CARB regulation is not required. As such, the impact discussions and the conclusions for the significance of potential impacts from vehicle-related emission for Chapter 3.3 Checklist Items a) and b) of the FEIR should reflect the emissions analysis presented in this memo. *The Project will result in **Less Than Significant Impacts** to air quality and a **Statement of Overriding Considerations** is not warranted.*

VMT AND GREENHOUSE GASES

As previously noted, the operation of the HMA, RAP, and concrete batch plants will result in consumption of gasoline and diesel fuels and the generation of greenhouse gas emissions associated with the transport of product and employees. Table 3.8-3 of the DEIR (see Chapter 3.8 Greenhouse Gas Emissions, Checklist Item a) quantified off-site operational greenhouse gas emissions (mobile source emissions, or vehicle exhaust) based on an annual VMT of 3,364,167 miles. As such, the emissions presented in the DEIR over-estimated Project-related greenhouse gas emissions resulting from off-site vehicle trips.

As presented in **Table 6**, the Project will result in approximately 1,911,684 annual VMT. **Table 10** provides the off-site vehicle greenhouse gas emissions based on the annual VMT of 1,911,684 miles.

Table 10. Off-Site Vehicle Greenhouse Gas Emissions ¹				
Source	CO₂ (tons)	CH₄ (tons)	N₂O (tons)	CO₂e (metric tons)
Aggregate Material Delivery Trucks	1,204.3189	0.0042	0.1893	1,144.1337
Oil Delivery Trucks	16.6748	0.0001	0.0026	15.8415
Propane Delivery Trucks	3.0796	0.0000	0.0005	2.9257
HMA Trucks	450.6708	0.0016	0.0708	428.1488
Cement & Fly Ash Delivery Trucks	84.1252	0.0003	0.0132	79.9211
Ready Mix Concrete Trucks	751.1180	0.0026	0.1181	713.5813
Recycled Material End Dumps	76.8394	0.0003	0.0121	72.9994
Recycled Material Delivery Trucks	36.2831	0.0004	0.0057	34.4751
Recycled Base Trucks	90.1342	0.0003	0.0142	85.6298
Fuel Trucks (for on-site equipment)	1.9529	0.0000	0.0003	1.8553

Outside Services	4.4733	0.0001	0.0001	4.0957
Other Materials/Services	4.3591	0.0001	0.0001	3.9844
Employee Trips	64.6810	0.0011	0.0016	59.1510
Off-Site Vehicle Emissions Total	2,788.7102	0.0109	0.4286	2,646.7426

Note: Totals may not add up due to rounding.

1 Emissions are the product of the VMT in Table 6 multiplied by the EMFAC emission factors for year 2021 provided in Table 5 of Attachment B to this memo.

As previously noted, the 1,911,684 annual VMT used in this analysis is approximately 57% of the VMT that was assessed in the DEIR. As demonstrated in **Table 10**, Project-related greenhouse gas emissions associated with off-site vehicle travel is also approximately 57% of those assessed in the DEIR. As such, Table 3.8-3 of the FEIR should reflect the emissions analysis presented in this memo. As the Project's greenhouse gas emissions are lower than the emissions presented in the DEIR, Project-specific and Cumulate Impacts remain **Less Than Significant**.

VMT AND ENERGY CONSUMPTION

As previously noted, the operation of the HMA, RAP, and concrete batch plants will result in consumption of gasoline and diesel fuels associated with the transport of product and employees. As the assessment of fuel consumption in the "Operational Vehicle Fuel Consumption" discussion in Chapter 3.6 Energy was based on annual VMT of 3,364,167 miles, the assessment overestimates Project-related gasoline and diesel fuel consumption from off-site vehicle trips.

Table 11 provides the Project-related annual fuel consumption based on the annual VMT of 1,911,684 miles.

Table 11. Project Fuel Consumption						
Source	Fleet %	Vehicle Class	Fuel Type	Annual VMT	Fuel Economy (miles/gallon)	Annual Fuel Consumption (gallons)
Aggregate Material Delivery Trucks	30.6	HHD	Diesel	761,600	5.29	143,970
Oil Delivery Trucks	0.6	HHD	Diesel	10,545	5.29	1,993
Propane Delivery Trucks	0.1	HHD	Diesel	1,948	5.29	368
HMA Trucks	16.4	HHD	Diesel	285,000	5.29	53,875
Cement & Fly Ash Delivery Trucks	3.1	HHD	Diesel	53,200	5.29	10,057
Ready Mix Concrete Trucks	27.3	HHD	Diesel	475,000	5.29	89,792
Recycled Material End Dumps	2.8	MHD	Diesel	48,593	6.64	9,186
Recycled Material Delivery Trucks	1.7	HHD	Diesel	29,688	5.29	4,471
Recycled Base Trucks	3.3	HHD	Diesel	57,000	5.29	10,775
Fuel Trucks	0.1	HHD	Diesel	1,235	5.29	233
Diesel Total	85.86	---	---	1,723,808	---	324,721
Outside Services	0.4	LDT1	Gasoline	5,938	22.04	269
	0.4	LTD2	Gasoline	5,938	22.04	269
Other Materials/Services	0.7	MDV	Gasoline	8,925	17.4	513
Employee Trips	3.2	LDA	Gasoline	41,769	23.96	1,743
	3.2	LDT1	Gasoline	41,769	23.96	1,743
	3.2	LDT2	Gasoline	41,769	23.96	1,743
	3.2	MDV	Gasoline	41,769	23.96	1,743
Gasoline Total	14.14	---	---	187,876	---	8,025
Project Total	100.00			1,911,684		332,745

Table 11. Project Fuel Consumption

<i>Note: Totals may not add up due to rounding.</i>

As previously noted, the analysis presented in the DEIR over-estimates Project-related VMT. As previously noted, the 1,911,684 annual VMT used in this analysis is approximately 57% of the VMT that was assessed in the DEIR. As demonstrated in **Table 11**, Project-related fuel consumption associated with off-site vehicle travel is also approximately 55% of those assessed in the DEIR.

As such, Chapter 3.6 Energy of the DEIR over-estimates Project-related gasoline and fuel consumption from off-site vehicle trips. Therefore, the “Operational Vehicle Fuel Consumption”, “CEQA Requirements and Energy Conservation Standards”, “Impact Evaluation” sections of Chapter 3.6 should reflect the emissions analysis presented in this memo. As Project-related fuel consumption will be lower than the fuel consumption presented in the DEIR, Project-specific and Cumulate Impacts remain ***Less Than Significant***.

Attachment “A”

Vehicle Miles Traveled Analysis

TABLE 1. Annual Trips

	Vehicle Type	Vehicle % of Trips	Vehicles Entering	Vehicles Exiting	Total Annual Vehicle Trips	Trips @ 15 Miles (Local)	Trips @ 34 Miles (Porterville)	Trips @ 18 Miles (Fresno Co)	Trips @ 37 Miles (Kern Co)
HMA Plant									
Aggregate Material Delivery Trucks	HHD	13.1	4,800	4,800	9,600	0	9,600	0	0
Oil Delivery Trucks ¹	HHD	0.6	222	222	444	133	0	155	155
Propane Delivery Trucks ¹	HHD	0.1	41	41	82	25	0	29	29
HMA Trucks	HHD	16.4	6,000	6,000	12,000	3,600	0	4,200	4,200
Concrete Batch Plant									
Aggregate Material Delivery Trucks	HHD	17.5	6,400	6,400	12,800	0	12,800	0	0
Cement & Fly Ash Delivery Trucks	HHD	3.1	1,120	1,120	2,240	672	0	784	784
Ready Mix Concrete Trucks	HHD	27.3	10,000	10,000	20,000	6,000	0	7,000	7,000
RAP Plant									
Recycled Material End Dumps	HHD	2.8	1,023	1,023	2,046	614	0	716	716
Recycled Material Delivery Trucks	MHD	1.7	625	625	1,250	375	0	438	438
Recycled Base Trucks	HHD	3.3	1,200	1,200	2,400	720	0	840	840
Other									
Fuel Trucks ¹	HHD	0.1	26	26	52	16	0	18	18
Outside Services ²	LDT1, LTD2	0.7	250	250	500	150	0	175	175
Other Materials/Services ³	MDV	0.7	250	250	500	425	75	0	0
Employee Trips ⁴	LDA, LDT1, LDT2, MDV	12.8	4,680	4,680	9,360	7,956	1,404	0	0
Total		100.0	36,637	36,637	73,274	20,685	23,879	14,355	14,355
¹ Identified as "Other Trucks" in Table 3.6-4 of the Energy Chapter of the DEIR . ² Identified as "Light-Duty Vehicle" in Table 3.6-4 of the Energy Chapter of the DEIR . ³ Identified as "Light Truck/Van" in Table 3.6-4 of the Energy Chapter of the DEIR . ⁴ Identified as "Car" in Table 3.6-4 of the Energy Chapter of the DEIR .									

TABLE 2. Annual Vehicle Miles Traveled

	Total Annual Vehicle Trips	Local Trip VMT	Porterville Trip VMT	Fresno County Trip VMT	Kern County Trip VMT	Annual Vehicle Miles Traveled
HMA Plant						
Aggregate Material Delivery Trucks	9,600	0	326,400	0	0	326,400
Oil Delivery Trucks	444	1,998	0	2,797	5,750	10,545
Propane Delivery Trucks	82	369	0	517	1,062	1,948
HMA Trucks	12,000	54,000	0	75,600	155,400	285,000
Concrete Batch Plant						
Aggregate Material Delivery Trucks	12,800	0	435,200	0	0	435,200
Cement & Fly Ash Delivery Trucks	2,240	10,080	0	14,112	29,008	53,200
Ready Mix Concrete Trucks	20,000	90,000	0	126,000	259,000	475,000
RAP Plant						
Recycled Material End Dumps	2,046	9,207	0	12,890	26,496	48,593
Recycled Material Delivery Trucks	1,250	5,625	0	7,875	16,188	29,688
Recycled Base Trucks	2,400	10,800	0	15,120	31,080	57,000
Other						
Fuel Trucks	52	234	0	328	673	1,235
Outside Services	500	2,250	0	3,150	6,475	11,875
Other Materials/Services	500	6,375	2,550	0	0	8,925
Employee Trips	9,360	119,340	47,736	0	0	167,076
Total	73,274	310,278	811,886	258,388	531,131	1,911,684

TABLE 3. Outside Services and Employee Trips Per Vehicle Type

Vehicle Type	Vehicle Trips	Local Trip VMT	Porterville Trip VMT	Fresno County Trip VMT	Kern County Trip VMT	Annual Vehicle Miles Traveled
Outside Services						
LDT1	250	1,125	0	1,575	3,238	5,938
LDT2	250	1,125	0	1,575	3,238	5,938
Employee Trips						
LDA	2,340	29,835	11,934	0	0	41,769
LDT1	2,340	29,835	11,934	0	0	41,769
LDT2	2,340	29,835	11,934	0	0	41,769
MDV	2,340	29,835	11,934	0	0	41,769

TABLE 4. Trip Percentages by Vehicle Type

Vehicle Type	% of Trips	Vehicle Trips	VMT
HHD	84.2	61,664	1,694,120
MHD	1.7	1,250	29,688
LDA	3.2	2,340	41,769
LDT1	3.5	2,590	47,707
LDT2	3.5	2,590	47,707
MDV	3.9	2,840	50,694
TOTAL	100.0	73,274	1,911,684

Attachment “B”

Criteria Air Pollutant and Greenhouse Gas Emissions

TABLE 5. Emission Factors (gm/mile)

	ROG	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}	CO ₂	CH ₄	N ₂ O
HHD	0.10705975737	3.55129388383	0.43376326704	0.01355274964	0.05885795227	0.05631178331	1434.53227587454	0.00497264844	0.22548849673
LDA	0.01129149476	0.04570780831	0.69951971518	0.00275362180	0.00150226649	0.00138130840	278.26136649430	0.00288514003	0.00500312580
LDT1	0.03761195473	0.15462213328	1.61552759912	0.00323651690	0.00237041015	0.00217967744	327.05929913594	0.00837316344	0.01090342623
LDT2	0.02202142438	0.11435908412	1.09448676165	0.00352698389	0.00160696258	0.00147761622	356.41182040560	0.00521451588	0.00856957914
MDV	0.02975703484	0.14005957089	1.28266191763	0.00438462860	0.00156313397	0.00143819484	443.07927395600	0.00658570867	0.01027934699
MHD	0.23453674974	3.39999540221	0.62693902618	0.01047475783	0.09099962138	0.08706301804	1108.73280983864	0.01089362457	0.17427735769
Emission factors from ARB's EMFAC2017 database (https://www.arb.ca.gov/emfac/2017/) using the following criteria: emissions rates data, San Joaquin Valley Air Basin, year 2021, annual, EMFAC 2007 categories, aggregated model year, aggregated speed, and all fuel types (assuming LDA, LDT1, LDT2, MDV use gasoline and MHD, HHD use diesel fuel).									

TABLE 6. Annual Off-Site Vehicle Emissions (tons/year)

	ROG	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}	CO ₂ (tons)	CH ₄ (tons)	N ₂ O (tons)	CO ₂ e (metric tons)
HMA Plant										
Aggregate Material Delivery Trucks (HHD)	0.0385	1.2777	0.1561	0.0049	0.0212	0.0203	516.1367	0.0018	0.0811	490.3430
Oil Delivery Trucks (HHD)	0.0012	0.0413	0.0050	0.0002	0.0007	0.0007	16.6748	0.0001	0.0026	15.8415
Propane Delivery Trucks (HHD)	0.0002	0.0076	0.0009	0.0000	0.0001	0.0001	3.0796	0.0000	0.0005	2.9257
HMA Trucks (HHD)	0.0336	1.1157	0.1363	0.0043	0.0185	0.0177	450.6708	0.0016	0.0708	428.1488
Concrete Batch Plant										
Aggregate Material Delivery Trucks (HHD)	0.0514	1.7036	0.2081	0.0065	0.0282	0.0270	688.1822	0.0024	0.1082	653.7907
Cement & Fly Ash Delivery Trucks (HHD)	0.0063	0.2083	0.0254	0.0008	0.0035	0.0033	84.1252	0.0003	0.0132	79.9211
Ready Mix Concrete Trucks (HHD)	0.0561	1.8594	0.2271	0.0071	0.0308	0.0295	751.1180	0.0026	0.1181	713.5813
RAP Plant										
Recycled Material End Dumps (HHD)	0.0057	0.1902	0.0232	0.0007	0.0032	0.0030	76.8394	0.0003	0.0121	72.9994
Recycled Material Delivery Trucks (MHD)	0.0077	0.1113	0.0205	0.0003	0.0030	0.0028	36.2831	0.0004	0.0057	34.4751
Recycled Base Trucks (HHD)	0.0067	0.2231	0.0273	0.0009	0.0037	0.0035	90.1342	0.0003	0.0142	85.6298
Other										
Fuel Trucks (HHD)	0.0001	0.0048	0.0006	0.0000	0.0001	0.0001	1.9529	0.0000	0.0003	1.8553
Outside Services (LDT1)	0.0002	0.0010	0.0106	0.0000	0.0000	0.0000	2.1406	0.0001	0.0001	1.9630
Outside Services (LDT2)	0.0001	0.0007	0.0072	0.0000	0.0000	0.0000	2.3327	0.0000	0.0001	2.1327
Other Materials/Services (MDV)	0.0003	0.0014	0.0126	0.0000	0.0000	0.0000	4.3591	0.0001	0.0001	3.9844
Employee Trips (LDA)	0.0005	0.0021	0.0322	0.0001	0.0001	0.0001	12.8118	0.0001	0.0002	11.6913
Employee Trips (LDT1)	0.0017	0.0071	0.0744	0.0001	0.0001	0.0001	15.0586	0.0004	0.0005	13.8093
Employee Trips (LDT2)	0.0010	0.0053	0.0504	0.0002	0.0001	0.0001	16.4101	0.0002	0.0004	15.0033
Employee Trips (MDV)	0.0014	0.0064	0.0591	0.0002	0.0001	0.0001	20.4005	0.0003	0.0005	18.6471
Total Annual Emissions	0.2129	6.7672	1.0769	0.0264	0.1133	0.1083	2,788.7102	0.0109	0.4286	2,646.7426
Average Daily Emission (at 312 days/year)	1.3649	43.3795	6.9035	0.1691	0.7260	0.6945				

TABLE 7. Project Construction Emissions

Activity/Source	Annual Emissions (tons/year)					
	ROG	NOx	CO	SO2	PM10	PM2.5
Site Preparation	0.0209	0.2125	0.1114	0.0002	0.1024	0.0601
Grading	0.0686	0.7543	0.4921	0.001	0.1363	0.0817
Building Construction	0.3857	3.0340	2.8602	0.0085	0.5109	0.2089
Paving	0.0355	0.1413	0.1528	0.0003	0.0094	0.0074
Architectural Coating	0.4998	0.0194	0.0449	0.0001	0.009	0.0032
Construction Annual Total / Daily Maximum	1.0105	4.1615	3.6614	0.0101	0.768	0.3613
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No

Source: Alta Environmental, Health Risk Assessment, Attachment 2

TABLE 8. Project Permitted Operational Emissions

Source	Annual Emissions (tons/year)					
	ROG	NOx	CO	SO2	PM10	PM2.5
HMA Plant						
RAP Cold Feed (Aggregate Throughput = 150,000 tons)	---	---	---	---	0.0693	0.0693
Asphalt Dryer	0.8155	1.5369	9.1589	14.4283	1.7250	1.7250
Oil Heater	0.0121	0.0228	0.1357	0.2138	0.0130	0.0130
Oil Storage Tanks	0.5110	---	---	---	---	---
Silo Filling	0.9143	---	0.0885	---	0.0022	0.0022
Silo Loadout	0.3120	---	0.1013	---	0.0390	0.0390
Stockpiles	---	---	---	---	1.2375	1.2375
Concrete Batch Plant						
Concrete Batching (Concrete Throughput = 200,250 tons)	---	---	---	---	1.4418	1.4418
Stockpiles	---	---	---	---	1.6521	1.6521
RAP Plant						
RAP Processing (Aggregate Throughput = 30,000 tons)	---	---	---	---	0.0231	0.0231
Stockpiles	---	---	---	---	0.3218	0.3218
Permitted Total	2.5649	1.5597	9.4844	14.6421	6.5248	6.5248
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No

Source: Alta Environmental, Authority to Construct Applications, Ambient Air Quality Analysis Determination, and Health Risk Assessment

TABLE 9. Project Non-Permitted Operational Emissions

Source	Annual Emissions (tons/year)					
	ROG	NOx	CO	SO2	PM10	PM2.5
On-Site Non-Permitted Sources¹						
On-Site Truck Exhaust	0.096	1.177	0.979	0.003	0.008	0.008
On-Site Truck Fugitive Dust	---	---	---	---	0.207	0.207
Off-Road Equipment	0.113	0.243	2.23	0.000	0.008	0.007
Off-Site Non-Permitted Sources²						
Aggregate Material Delivery Trucks	0.0899	2.9814	0.3642	0.0114	0.0494	0.0473
Oil Delivery Trucks	0.0012	0.0413	0.0050	0.0002	0.0007	0.0007
Propane Delivery Trucks	0.0002	0.0076	0.0009	0.0000	0.0001	0.0001
HMA Trucks	0.0336	1.1157	0.1363	0.0043	0.0185	0.0177
Cement & Fly Ash Delivery Trucks	0.0063	0.2083	0.0254	0.0008	0.0035	0.0033
Ready Mix Concrete Trucks	0.0561	1.8594	0.2271	0.0071	0.0308	0.0295
Recycled Material End Dumps	0.0057	0.1902	0.0232	0.0007	0.0032	0.0030
Recycled Material Delivery Trucks	0.0077	0.1113	0.0205	0.0003	0.0030	0.0028
Recycled Base Trucks	0.0067	0.2231	0.0273	0.0009	0.0037	0.0035
Fuel Trucks	0.0001	0.0048	0.0006	0.0000	0.0001	0.0001
Outside Services	0.0004	0.0018	0.0177	0.0000	0.0000	0.0000
Other Materials/Services	0.0003	0.0014	0.0126	0.0000	0.0000	0.0000
Employee Trips	0.0046	0.0209	0.2160	0.0006	0.0003	0.0003
Non-Permitted Total	0.4219	8.1872	4.2859	0.0294	0.3363	0.3303
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No

1 Source: Alta Environmental, Ambient Air Quality Analysis Determination and Health Risk Analysis

2 Source: Tulare County RMA, Table 6. Annual Off-Site Vehicle Emissions

Attachment “C”

Fuel Consumption Analysis

TABLE 10. Summary of Trips and VMT by Trip Type and Fuel Type

Total Annual Trips	73,274	
Total Annual VMT	1,911,684	
Annual Employee Trips	9,360	12.77%
Annual Non-Employee Trips	63,914	87.23%
Total Trips	73,274	100.00%
Annual Employee VMT	167,076	8.74%
Annual Non-Employee VMT	1,744,608	91.26%
Total VMT	1,911,684	100.00%
Annual Gasoline Trips	10,360	14.14%
Annual Diesel Trips	62,914	85.86%
Total Annual Trips	73,274	100.00%
Annual Gasoline VMT	187,876	9.83%
Annual Diesel VMT	1,723,808	90.17%
Total VMT	1,911,684	100.00%

TABLE 11. Project Contribution to VMT

Total Average VMT/Day (County)	10,650,825
Workdays	Daily VMT
mi/day (250 days)	7,647
mi/day (312 days)	6,127
mi/day (365 days)	5,237
Total Heavy-Duty VMT/Day (County)	3,127,189
Workdays	Daily VMT
mi/day (250 days)	6,895
mi/day (312 days)	5,525
mi/day (365 days)	4,723
Total Annual VMT (County)	3,686,282,000
Workdays	Daily VMT
mi/day (250 days)	7,647
mi/day (312 days)	6,127
mi/day (365 days)	5,237

TABLE 12. Fuel Consumption by Vehicle Type

Vehicle Type	% of Trips	1-Way Vehicle Trips	Total VMT	Fuel Type	Fuel Economy (miles per gallon)	Fuel Consumed (gallons)
Car (LDA, LDT1, LDT2, MDV)	12.77	9,360	167,076	gasoline	23.96	6,973.12
Light-Duty Vehicle (LDT1, LDT2)	0.68	500	11,875	gasoline	22.04	538.79
Light Truck / Van (MDV)	0.68	500	8,925	gasoline	17.4	512.93
<i>Gasoline Vehicle Total</i>	<i>14.14</i>	<i>10,360</i>	<i>187,876</i>			<i>8,024.85</i>
Delivery Truck (MHD)	1.71	1,250	29,688	diesel	6.64	4,471.01
Heavy Duty Trucks (HHD)	83.37	61,086	1,680,393	diesel	5.29	317,654.54
Other Trucks (HHD)	0.79	578	13,728	diesel	5.29	2,594.99
<i>Diesel Vehicle Total</i>	<i>85.86</i>	<i>62,914</i>	<i>1,723,808</i>			<i>324,720.54</i>
GRAND TOTAL	100.00	73,274	1,911,684			332,745.38

TABLE 13. Fuel Consumption Based on 1-Way Trips

Vehicle Type	% of Trips	Fuel Type	Fuel Economy (miles per gallon)	Local (15 miles)		Porterville (34 Miles)		Fresno County (18 Miles)		Kern County (37 Miles)		Project Totals		
				1-Way Trips	VMT	1-Way Trips	VMT	1-Way Trips	VMT	1-Way Trips	VMT	Round Trips	VMT	Fuel Consumed (gallons)
Car (LDA, LDT1, LDT2, MDV)	12.77	gasoline	23.96	7,956	119,340	1,404	47,736	0	0	0	0	9,360	167,076	6,973
Light-Duty Vehicle (LDT1, LDT2)	0.68	gasoline	22.04	150	2,250	0	0	175	3,150	175	6,475	500	11,875	539
Light Truck / Van (MDV)	0.68	gasoline	17.4	425	6,375	75	2,550	0	0	0	0	500	8,925	513
<i>Gasoline Vehicle Total</i>	<i>14.14</i>			<i>8,531</i>	<i>127,965</i>	<i>1,479</i>	<i>50,286</i>	<i>175</i>	<i>3,150</i>	<i>175</i>	<i>6,475</i>	<i>10,360</i>	<i>187,876</i>	<i>8,025</i>
Delivery Truck (MHD)	1.71	diesel	6.64	375	5,625	0	0	438	7,875	438	16,188	1,250	29,688	4,471
Heavy Duty Trucks (HHD)	83.37	diesel	5.29	11,606	174,087	22,400	761,600	13,540	243,722	13,540	500,984	61,086	1,680,393	317,655
Other Trucks (HHD)	0.79	diesel	5.29	173	2,601	0	0	202	3,641	202	7,485	578	13,728	2,595
<i>Diesel Vehicle Total</i>	<i>85.86</i>			<i>12,154</i>	<i>182,313</i>	<i>22,400</i>	<i>761,600</i>	<i>14,180</i>	<i>255,238</i>	<i>14,180</i>	<i>524,656</i>	<i>62,914</i>	<i>1,723,808</i>	<i>324,721</i>
GRAND TOTAL	100.00			20,685	310,278	23,879	811,886	14,355	258,388	14,355	531,131	73,274	1,911,684	332,745

TABLE 14. Fuel Consumption Based on Round Trips

Vehicle Type	Local (30 miles)			Porterville (68 Miles)			Fresno County (36 Miles)			Kern County (74Miles)			Project Totals		
	Round Trips	VMT	Fuel Consumption	Round Trips	VMT	Fuel Consumption	Round Trips	VMT	Fuel Consumption	Round Trips	VMT	Fuel Consumption	Round Trips	VMT	Fuel Consumption
Car (LDA, LDT1, LDT2, MDV)	3,978	119,340	4,981	702	47,736	1,992	0	0	0	0	0	0	4,680	167,076	6,973
Light-Duty Vehicle (LDT1, LDT2)	75	2,250	102	0	0	0	88	3,150	143	88	6,475	294	250	11,875	539
Light Truck / Van (MDV)	213	6,375	366	38	2,550	147	0	0	0	0	0	0	250	8,925	513
<i>Gasoline Vehicle Total</i>	<i>4,266</i>	<i>127,965</i>	<i>5,449</i>	<i>740</i>	<i>50,286</i>	<i>2,139</i>	<i>88</i>	<i>3,150</i>	<i>143</i>	<i>88</i>	<i>6,475</i>	<i>294</i>	<i>5,180</i>	<i>187,876</i>	<i>8,025</i>
Delivery Truck (MHD)	188	5,625	847	0	0	0	219	7,875	1,186	219	16,188	2,438	625	29,688	4,471
Heavy Duty Trucks (HHD)	5,803	174,087	32,909	11,200	761,600	143,970	6,770	243,722	46,072	6,770	500,984	94,704	30,543	1,680,393	317,655
Other Trucks (HHD)	87	2,601	492	0	0	0	101	3,641	688	101	7,485	1,415	289	13,728	2,595
<i>Diesel Vehicle Total</i>	<i>6,077</i>	<i>182,313</i>	<i>34,248</i>	<i>11,200</i>	<i>761,600</i>	<i>143,970</i>	<i>7,090</i>	<i>255,238</i>	<i>47,947</i>	<i>7,090</i>	<i>524,656</i>	<i>98,557</i>	<i>31,457</i>	<i>1,723,808</i>	<i>324,721</i>
GRAND TOTAL	10,343	310,278	39,697	11,940	811,886	146,109	7,177	258,388	48,089	7,177	531,131	98,851	36,637	1,911,684	332,745

Attachment “2”

Chapter 3.3 Air Quality Affected Pages

Air Quality

Chapter 3.3

SUMMARY OF FINDINGS

Based on the impact analysis below, the proposed Project will result ~~is-in~~ Less Than Significant and Unavoidable Impacts to Air Quality. The impact determinations in this chapter are based upon information obtained from the References listed at the end of this chapter, as well as information contained in the “*Air Quality and Greenhouse Gas Assessments for the Dunn Asphalt and Concrete Batch Plant (SCH# 2019011039)*” Technical Memorandum (AQ-GHG Memo) prepared by RMA Staff, and in the detailed Health Risk Assessment, ~~and~~ Ambient Air Quality Analysis determination, and Draft Authority to Construct Permit Applications prepared by consultant Alta Environmental for this Project, provided in Appendix “A” of this document. A detailed review of potential impacts is provided in the analysis below.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

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

As noted in CEQA Guidelines Section 15126.2(a), “[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

the number of days each year that the standards were exceeded provide an indicator of the severity of the air quality problems in the local area.

**Table 3.3-4
Air Quality Monitoring Summary²⁵**

Air Pollutant	Averaging Time	Item	2016	2017	2018
Ozone (O ₃) ¹	1-hour	Max 1-hour (ppm)	0.098	0.109	0.112
		Days > State Standard (0.09 ppm)	1	9	8
	8-hour	State Max 8-hour (ppm)	0.083	0.092	0.095
		Days > State Standard (0.07 ppm)	19	65	58
		National Max 8-hour (ppm)	0.083	0.091	0.094
		Days > National Standard (0.07 ppm)	18	61	53
Inhalable coarse particles (PM ₁₀) ¹	Annual	Annual Average (µg/m ³)	43.3	47.4	52.5
	24-hour	State 24-hour (µg/m ³)	132.5	145.7	159.6
		Days > State Standard (50 µg/m ³)	1095*	135.9	164.4
		National 24-hour (µg/m ³)	137.1	144.8	153.4
		Days > National Standard (150 µg/m ³)	0	0	0
Fine particulate matter (PM _{2.5}) ¹	Annual	Annual Average (µg/m ³)	14.6	16.2	17.3
	24-hour	24-hour (µg/m ³)	48.0	86.1	86.8
		Days > National Standard (35 µg/m ³)	21.3	26.7	42.3
Carbon monoxide (CO) ²	8-hour	Max 8-hour (ppm)	ND	ND	ND
		Days > State and National Standards (9 ppm)	ND	ND	ND
Nitrogen dioxide (NO ₂) ¹	Annual 1-hour	Annual Average (ppm)	ID	0.010	0.010
		Max 1-hour (ppm)	0.0575	0.0581	0.0692
		Days > State Standard (0.18 ppm)	0	0	0
		Days > National Standard (100 ppb)	0	0	0
Sulfur dioxide (SO ₂) ²	Annual	Annual Average (ppm)	ND	ND	ND
	24-hour	Max 24-hour (ppm)	ND	ND	ND

Abbreviations: ppm = parts per million; > = exceeded; µg/m³= micrograms per cubic meter; ID = insufficient data; ND = no data available; max = maximum

State Standard = CAAQS; National Standard = NAAQS

¹ data from Visalia-Church station

² no recent data is available for Tulare County or the San Joaquin Valley as they are no longer likely to exceed AAQS

* This value represents the number of measured days, the 2017 and 2018 values are estimated days that the AAQS was exceeded.

²⁵ California Air Resources Board. Top 4 Summary. <http://www.arb.ca.gov/adam/topfour/topfour1.php>. Accessed November 2019.

The health impacts of the various air pollutants of concern can be presented in a number of ways. The clearest in comparison is to the state and federal ozone standards. If concentrations are below the standard, it is safe to say that no health impact would occur to anyone. When concentrations exceed the standard, impacts will vary based on the amount the standard is exceeded. The EPA developed the Air Quality Index (AQI) as an easy to understand measure of health impact compared to concentrations in the air. As the SJVAB is in nonattainment at the federal level for ozone and PM_{2.5}, the discussion below includes only those emissions with respect to the AQI. **Table 3.3-5** and **Table 3.3-6** provide a description of the health impacts of ozone and PM_{2.5}, respectively, at different concentrations.

Based on the AQI scale for the 8-hour ozone standard, the nearest monitoring station in Visalia experienced ~~at least three~~no days in the last three years that would be categorized as unhealthy~~ful~~ (AQI 151-200), and as many as ~~80-65~~ days in one year (2017) that were categorized as unhealthy for sensitive groups (AQI 101-150) ~~or moderate (AQI 50-100)~~. The highest reading for the 8-hour standard was ~~104-95~~ ppb in ~~2013-2018~~ and the highest reading for the ~~revoked~~ 1-hour ozone standard was 112 ppb in ~~2013~~2018. These values are equal to or higher than the 95-ppb cut off point for unhealthy for sensitive groups (AQI 101-150), but lower than the 115-ppb cut off point for unhealthy (AQI 151-200). Active children and adults, and people with respiratory disease should avoid prolonged outdoor exertion when the AQI is at this level.

An AQI of 51-100 for PM_{2.5} is considered moderate and would be triggered by a 24-hour average concentration of 35.4 µg/m³, which is considered an exceedance of the federal PM_{2.5} standard. The monitoring station in Visalia exceeded the standard ~~up to as many as 14-42~~ days in one year (2018) over the last three years. People with respiratory or heart disease, the elderly and children are the groups most at risk. An unhealthy for sensitive groups AQI (101-150) was exceeded as many as 21 days in one year (2016) and An unhealthy AQI (AQI 151-200) was also exceeded on at least three-42 days in one year (2018) over the last three years. The highest concentration recorded was ~~124.286.8~~ µg/m³ in ~~2013~~2018. At this concentration, increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly and increased respiratory effects in general population would occur. People with respiratory or heart disease, the elderly, and children should avoid prolonged exertion; everyone else should limit prolonged exertion when the AQI exceeds this level.

REGULATORY SETTING

Federal Agencies & Regulations

Federal Clean Air Act

“The Federal Clean Air Act (CAA), adopted in 1970 and amended twice thereafter (including the 1990 amendments), establishes the framework for modern air pollution control. The act directs the Environmental Protection Agency (EPA) to establish ambient air standards, the National Ambient Air Quality Standards (NAAQS)... for six pollutants: ozone, carbon monoxide, lead, nitrogen dioxide, particulate matter (less than 10 microns in diameter [PM₁₀] and less than 2.5 microns in diameter [PM_{2.5}]), and sulfur dioxide. The standards are divided into primary and secondary

likely market areas (expressed as round-trip distances) as follows: 30 miles for local area; 68 miles for the Porterville area; 36 miles to the Fresno County line; and 74 miles to the Kern County Line. Approximately 85.89% of the Project's vehicle trips are attributable to heavy-duty (MHD and HHD) trucks used in the transport of raw material and final product. Approximately 1.4% of trips are attributable to outside service vehicles (LDT1, LDT2) and other materials and services (MDV). The remaining approximate 12.8% of the trips are attributable to employee vehicles (LDA, LDT1, LDT2, MDV).

Table 3.3-8 provides the Project's construction-related emissions. **Table 3.3-9** provides the Project's operation-related emissions from permitted sources. **Table 3.3-10** provides the Project's on- and off-site operation-related emissions from non-permitted sources.

Table 3.3-8						
Project Construction Emissions (tons/year)						
Activity/Source	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Site Preparation	0.0209	0.2125	0.1114	0.0002	0.1024	0.0601
Grading	0.0686	0.7543	0.4921	0.0010	0.1363	0.0817
Building Construction	0.3857	3.0340	2.8602	0.0085	0.5109	0.2089
Paving	0.0355	0.1413	0.1528	0.0003	0.0094	0.0074
Architectural Coating	0.4998	0.0194	0.0449	0.0001	0.0090	0.0032
Construction Total	1.0104	4.1615	3.6614	0.0100	0.7680	0.3613
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No
Note: Construction Year is 2020. Emissions include mobile source emissions. Source: Alta Environmental. Health Risk Assessment. Attachment 2, CalEEMod Emission Estimates.						

Table 3.3-9						
Project Permitted Operational Emissions (tons/year)						
Source	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
HMA Plant						
RAP Cold Feed	---	---	---	---	0.0693	0.0693
Asphalt Dryer	0.8155	1.5369	9.1589	14.4283	1.7250	1.7250
Oil Heater	0.0121	0.0228	0.1357	0.2138	0.0130	0.0130
Oil Storage Tanks	0.5110	---	---	---	---	---
Silo Filling / Loadout	1.2263	---	0.1898	---	0.0412	0.0412
Stockpiles	---	---	---	---	1.2375	1.2375
Concrete Batch Plant						
Concrete Batching	---	---	---	---	1.4418	1.4418
Stockpiles	---	---	---	---	1.6521	1.6521
RAP Plant						
RAP Processing	---	---	---	---	0.0231	0.0231
Stockpiles	---	---	---	---	0.3218	0.3218
Permitted Total	2.5649	1.5597	9.4844	14.6421	6.5248	6.5248
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	No	No	No	No	No
Operation Year is 2021. Source: Alta Environmental, Authority to Construct Application – Hot Mix Asphalt Plant, Pages 7-12. Alta Environmental, Authority to Construct Application – Concrete Batch Plant, Pages 8-10. Alta Environmental, Authority to Construct Application – Concrete and Asphalt Recycling Plant, Pages 8-10. Alta Environmental, Ambient Air Quality Analysis Determination Alta Environmental, Health Risk Assessment						

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 3.3-10 Project Non-Permitted Operational Emissions (tons/year)						
Source	ROG	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}
On-Site Non-Permitted Sources¹						
On-Site Truck Exhaust	0.096	1.177	0.979	0.003	0.008	0.008
On-Site Truck Fugitive Dust	---	---	---	---	0.207	0.207
Off-Road Equipment	0.113	0.243	2.230	0.000	0.008	0.007
Total On-Site Sources	0.209	1.420	3.209	0.003	0.223	0.222
Off-Site Non-Permitted Sources²						
Aggregate Material Delivery Trucks	0.12560 .0899	4.16522.9 814	0.50870. 3642	0.01590. 0114	0.06900.0 494	0.06600.0 473
Oil Delivery Trucks	0.00250 .0012	0.08260.0 413	0.01010. 0050	0.00030. 0002	0.00140.0 007	0.00130.0 007
Propane Delivery Trucks	0.00050 .0002	0.01520.0 076	0.00190. 0009	0.00010. 0000	0.00030.0 001	0.00020.0 001
HMA Trucks	0.06730 .0336	2.23131.1 157	0.27250. 1363	0.00850. 0043	0.03700.0 185	0.03540.0 177
Cement & Fly Ash Delivery Trucks	0.01260 .0063	0.41650.2 083	0.05090. 0254	0.00160. 0008	0.00690.0 035	0.00660.0 033
Ready Mix Concrete Trucks	0.11210 .0561	3.71891.8 594	0.45420. 2271	0.01420. 0071	0.06160.0 308	0.05900.0 295
Recycled Material End Dumps	0.01150 .0057	0.38040.1 902	0.04650. 0232	0.00150. 0007	0.00630.0 032	0.00600.0 030
Recycled Material Delivery Trucks	0.01540 .0077	0.22250.1 113	0.04100. 0205	0.00070. 0003	0.00600.0 030	0.00570.0 028
Recycled Base Trucks	0.01350 .0067	0.44630.2 231	0.05450. 0273	0.00170. 0009	0.00740.0 037	0.00710.0 035
Fuel Trucks (for on-site equipment)	0.00030 .0001	0.00970.0 048	0.00120. 0006	0.0000	0.00020.0 001	0.00020.0 001
Outside Services	0.00080 .0004	0.00350.0 018	0.03550. 0177	0.00010. 0000	0.00010.0 000	0.0000
Other Materials/Services	0.00060 .0003	0.00280.0 014	0.02520. 0126	0.00010. 0000	0.0000	0.0000
Employee Trips	0.00930 .0046	0.04190.0 209	0.43210. 2160	0.00130. 0006	0.00060.0 003	0.00060.0 003
Total Off-Site Sources	0.2129	6.7672	1.0769	0.0264	0.1133	0.1083
Non-Permitted Sources Total	0.58070 .4219	13.15688 1872	5.14334 2859	0.04890 0294	0.41970.3 363	0.41020.3 303
Significance Threshold	10	10	100	27	15	15
Exceeds Threshold?	No	Yes/No	No	No	No	No
Operation Year is 2021.						
1 Source: Alta Environmental. Ambient Air Quality Analysis Determination and Health Risk Analysis.						
2 Source: Attachment A of this the AQ-GHG memo, Annual Off-Site Emissions Table.						

As presented in **Table 3.3-8**, emissions of ROG, NOx, CO, SO₂, PM₁₀, and PM_{2.5} associated with the construction of the Project would not exceed the Air District's significance thresholds; as such, the Project would not conflict with or obstruct implementation of the applicable AQP. Therefore, construction-related activities will have a **Less Than Significant Impact** related to this Checklist Item.

As presented in **Table 3.3-9**, emissions of ROG, NOx, CO, SO₂, PM₁₀, and PM_{2.5} associated with the permitted equipment and on-site activities (stationary sources) of the Project would not exceed the Air District's significance thresholds; as such, the Project would not conflict

with or obstruct implementation of the applicable AQP. Therefore, permitted operation-related activities will have a ***Less Than Significant Impact*** related to this Checklist Item.

As presented in **Table 3.3-10**, emissions of ROG, NO_x, CO, SO₂, PM₁₀, and PM_{2.5} associated with the on- and off-site non-permitted equipment and activities (mobile sources) of the Project would not exceed the Air District's significance thresholds; as such, the Project would not conflict with or obstruct implementation of the applicable AQP. Therefore, non-permitted operation-related activities will have a ***Less Than Significant Impact*** related to this Checklist Item. As presented in **Table 3.3-10**, NO_x emissions associated with the off-site non-permitted equipment and activities (mobile source emissions from transport of raw and final product, services and deliveries, and employee trips) will exceed the Air District's significance thresholds; emissions of ROG, CO, SO₂, PM₁₀, and PM_{2.5} from these sources will not exceed the thresholds.

The Project is subject to Air District rules and regulations including, Regulation VIII (Fugitive PM₁₀ Prohibition), Rules 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), Rule 4001 (New Source Performance Standards), Rule 4101 (Visible Emissions), Rule 4102 (Public Nuisance), Rule 4309 (Dryers, Dehydrators, and Ovens), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). According to the Air District's GAMAQI, "Project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements."⁴⁹ Regarding Rule 2201, the GAMAQI states, "NSR is a major component of the District's attainment strategy as it relates to growth. It applies to new and modified stationary sources of air pollution. NSR provides mechanisms, including emission trade-offs, by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards. District implementation of NSR ensures that there is no net increase in emissions above specified thresholds from new and modified Stationary Sources for all nonattainment pollutants and their precursors."⁵⁰

Mobile source emissions are under the jurisdiction of the ARB. The Applicant's on-site equipment and heavy-duty truck fleet (used to transport aggregate to the site from the Porterville plant) are currently ARB-compliant and will continue to comply with all applicable ARB rules and regulations. The Applicant does not own the heavy-duty trucks that will be used to transport finished product for sale. As truck registration is dependent upon compliance with ARB's truck regulations, it is reasonable to assume that all heavy-duty trucks accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related NO_x emissions are also expected to decrease with time.

The emissions inventories included in the Tulare County General Plan are consistent with and included in the AQP. The Project is consistent with the growth projections in the General Plan

⁴⁹ Air District. GAMAQI, Section 8.2, Page 75.

⁵⁰ Air District. GAMAQI, Section 8.3.1, Page 81.

and will implement all applicable General Plan policies, including those that require compliance with Air District regulation and encourage emission reducing project design features.

As previously discussed, the Project will comply with all federal, state, and Air District rules and regulation, and is consistent with the Tulare County General Plan and the State SIP. However, the Air District's GAMAQI states, "the District recommends that mobile source (both exhaust emissions and fugitive dust emissions) be quantified separate from other non-permitted sources or activities. However, emissions from all non-permitted equipment and activities are summed by criteria pollutant when determining significance. A project would be determined to have a significant, long-term impact on air quality if any criteria pollutant resulting from non-permitted equipment and activities exceeds its respective threshold of significance."⁵¹ As such, Project-related off-site mobile source ~~NOx~~ emissions would result in a ***Less Than Significant and Unavoidable Project-specific Impact*** to Air Quality.

Ambient Air Quality Analysis

Pursuant to Air District recommendations and following Air District procedures, consultant Alta Environmental evaluated the Project's daily emissions to determine whether an AAQA would be warranted for the Project. Project daily emissions were estimated assuming construction would take one year and the facility would operate 312 days per year (6 days a week for 52 weeks a year) at maximum annual permitted capacity, except for stockpiles and the oil storage tanks which were estimated using operation of 365 days per year.

Table 3.3-11 provides the Project's daily construction-related emissions. **Table 3.3-12** provides the Project's daily operation-related emissions from permitted source. **Table 3.3-13** provides the Project's daily operation-related emissions from non-permitted sources.

Table 3.3-11						
Daily Construction Emissions (pounds/day)						
Construction Phase	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Site Preparation	4.19	42.50	22.28	0.04	20.49	12.02
Grading	4.57	50.29	32.81	0.06	9.08	5.45
Building Construction	4.43	34.87	32.88	0.10	5.87	2.40
Paving	3.55	14.13	15.28	0.03	0.94	0.74
Architectural Coating	49.98	1.94	4.49	0.01	0.90	0.32
Max Daily Construction	49.98	50.29	32.88	0.10	20.49	12.02
Exceeds 100 lb/day?	No	No	No	No	No	No
Source: Alta Environmental. Ambient Air Quality Analysis Determination						

Table 3.3-12						
Daily Permitted Operational Emissions (pounds/day)¹						
Source	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Concrete Batch Plant	---	---	---	---	9.2324	9.2324
Concrete Storage Pile ²	---	---	---	---	9.045	9.045

⁵¹ Air District. GAMAQI, Section 8.3.7, Page 89.

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

RAP Processing Plant	---	---	---	---	0.15	0.15
RAP Storage Pile²	---	---	---	---	1.756	1.756
HMA Dryer	5.2623	9.8785	58.7271	92.5049	11.0906	11.0906
HMA Oil Heater	0.08	3.810.1 5	0.9687	1.37	0.08	0.08
HMA Cold Feed RAP	---	---	---	---	0.3644	0.3644
HMA Silo Filling	5.86	---	0.57	---	0.01	0.01
HMA Silo Loadout	2.00	---	0.65	---	0.25	0.25
HMA Oil Tanks ²	2.80	---	---	---	---	---
HMA Storage Pile²	---	---	---	---	6.798	6.798
Total Daily Operations	15.9997	13.6910 .00	60.8979	93.8786	21.1738. 84	21.1738.8 4
Exceeds 100 lb/day?	No	No	No	No	No	No
Note: Totals may not add up due to rounding error.						
1 Source: Alta Environmental. Authority to Construct Applications, Ambient Air Quality Analysis Determination, and Health Risk Analysis						
2 Emissions for these sources assume 365-day operations; all others assume 312-day operations						

Table 3.3-13						
Daily Non-Permitted Operational Emissions (pounds/day)¹						
Source	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
HMA Storage Pile	---	---	---	---	6.79	6.79
Concrete Storage Pile	---	---	---	---	9.04	9.04
RAP Storage Pile	---	---	---	---	1.75	1.75
Truck Exhaust (on-site)	0.62	7.55	6.28	0.02	0.05	0.05
Truck Fugitive Dust (on-site)	---	---	---	---	1.33	1.33
Off Road Equipment	0.73	1.56	14.29	---	0.05	0.05
Vehicle Exhaust (off-site trucks and employee trips) ²	2.381.36	75.2443 .38	12.406. 90	0.290.17	1.260.73	1.210.69
Total Daily Operations	3.722.70	84.3452 .48	32.9727 .47	0.310.19	20.282.1 6	20.282.12
Exceeds 100 lb/day?	No	No	No	No	No	No
Note: Totals may not add up due to rounding error.						
1 Source: Alta Environmental. Ambient Air Quality Analysis Determination and Health Risk Analysis						
2 Source: Attachment "A" of this the AQ-GHG memo, Table 3						

As presented in **Tables 3.3-11-3.3-13**, daily emissions of ROG, NOx, CO, SO₂, PM₁₀, and PM_{2.5} associated with the construction and operation of the Project individually would not exceed the Air District's AAQA screening thresholds of 100 pound per day. Total combined daily operation-related emissions (permitted and-plus non-permitted) are 19.7118.67 lb/day ROG, 98.0362.48 lb/day NOx, 93.8688.27 lb/day CO, 94.1894.05 lb/day SO₂, 41.4540.99 lb/day PM₁₀, and 41.4540.95 lb/day PM_{2.5} which are also below the Air District's thresholds. As such, the Project will not conflict with or obstruct implementation of the applicable AQP. Therefore, the Project will have a **Less Than Significant Project-specific Impact** related to this Checklist Item.

Compliance with Applicable Air Quality Plan Control Measures

The AQP contains a number of control measures, which are enforceable requirements through the adoption of rules and regulations. As previously noted, the Project is subject to Air District rules and regulations including, Regulation VIII (Fugitive PM₁₀ Prohibition), Rules 2201

(New and Modified Stationary Source Review), ~~Rule 2520 (Federally Mandated Operating Permits)~~, Rule 4001 (New Source Performance Standards), Rule 4101 (Visible Emissions), Rule 4102 (Public Nuisance), Rule 4309 (Dryers, Dehydrators, and Ovens), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Regulation VIII—Fugitive PM₁₀ Prohibitions is a control measure that is one of the main strategies from the 2006 PM₁₀ Plan for reducing the PM₁₀ emissions that are part of fugitive dust. The Air District adopted its Regulation VIII on October 21, 1993 and amended on August 8, 2004 to implement Best Available Control Measures (BACM). This Regulation consists of a series of emission reduction rules consistent with the PM₁₀ Maintenance Plan. These rules are designed to reduce PM₁₀ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track-out, etc.

Rules 2201 (New and Modified Stationary Source Review) applies to all new stationary sources which are subject to Air District Permit Requirements. Rule 2201 requires stationary source projects that exceed certain thresholds to install Best Available Control Technology (BACT) and to obtain emission offsets to ensure that growth in stationary sources on a cumulative basis will not result in an increase in emissions. The Project will comply with Air District permitting requirements under Rule 2201.

The Project will comply with all applicable Air District rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable AQP.

The 2016 Plan for the 2008 8-Hour Ozone Standard was adopted in June 2016. The 2015 Plan for the 1997 PM_{2.5} Standard was adopted in April 2015 and the 2016 Moderate Area Plan for the 2012 PM_{2.5} Standard was adopted in September 2016. The plans assume growth would occur at rates projected by the State and regional population forecasts and would result in the continued need for rock and aggregate for construction projects. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan.

The Project will comply with all applicable Air District rules and regulations including BACT requirements. The Project will provide necessary construction materials for future growth as projected by the State. As such, the Project is in compliance with AQP control measures and would not conflict with or obstruct implementation of the applicable AQP. The Project will have a ***Less Than Significant Project-specific Impact*** related to this Checklist Item.

Cumulative Impact Analysis:

~~Less Than Significant and Unavoidable Cumulative Impact~~

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project would be considered to have a significant cumulative impact on air quality if Project-specific impacts are determined to be significant. As previously discussed, Project

construction-related criteria pollutant emissions would not exceed Air District significance thresholds. Project permitted (stationary source) operation-related ROG, NO_x, CO, SO₂, PM₁₀ and PM_{2.5} emissions also would not exceed Air District significant thresholds. ~~While Project non-permitted (mobile source) operation-related NO_x-criteria pollutant emissions also would not exceed the Air District significance thresholds, NO_x emissions from off-site mobile sources do exceed the threshold.~~ The Project will comply with all applicable federal, State and Air District rules and regulations and will not result in daily emissions that would exceed 100 pound per day; as such, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. ~~However, because mobile source NO_x emissions are considered to have a Significant and Unavoidable As~~ Project-specific ~~Impacts are determined to be less than significant,~~ the Project's impacts are also considered cumulatively less than significant. Therefore, the Project will result in a **Less Than Significant and Unavoidable Cumulative Impact** related this Checklist Item.

Mitigation Measure(s):

No Additional Measures beyond Compliance with Existing Regulation Required.

Conclusion:

Less Than Significant Impacts

The Project is subject to Air District permitting requirements and various Air District rules and regulations including: Regulation VIII (Fugitive PM₁₀ Prohibition), Rules 2201 (New and Modified Stationary Source Review), ~~Rule 2520 (Federally Mandated Operating Permits,~~ Rule 4001 (New Source Performance Standards), Rule 4101 (Visible Emissions), Rule 4102 (Public Nuisance), Rule 4309 (Dryers, Dehydrators, and Ovens), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). As demonstrated in **Table 3.3-9**, the Project's permitted (stationary) sources will not exceed the Air District's thresholds of significance for any criteria pollutant. As such, mitigation is not required to reduce permitted emissions to a level of less than significant.

As demonstrated in **Table 3.3-10**, the Project's non-permitted (mobile) sources, ~~specifically the heavy-duty truck trips,~~ will note exceed the Air District's thresholds of significance for ~~NO_x any criteria pollutant.~~ As such, mitigation is not required to reduce permitted emissions to a level of less than significant. Furthermore, Mmobile source emissions are under the jurisdiction of the ARB. The Applicant's on-site equipment and heavy-duty truck fleet are currently ARB-compliant and will continue to comply with all applicable ARB rules and regulations. The Applicant does not own the heavy-duty trucks that will be used to transport finished product for sale. As truck registration is dependent upon compliance with ARB's truck regulations, it is reasonable to assume that all heavy-duty trucks accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related emissions are also expected to decrease with time.

The emissions inventories included in the Tulare County General Plan are consistent with and included in the AQP. The Project is consistent with the growth projections in the General Plan and will implement all applicable General Plan policies, including those that require

compliance with Air District regulation and encourage emission reducing project design features.

As previously discussed, the Project will comply with all federal, state, and Air District rules and regulation, and is consistent with and will implement all applicable policies of Tulare County General Plan. The Applicant does not have control over the heavy-duty vehicles used in transport of final product from the site. Furthermore, as this is a new facility and actual production and sales are speculative at this time, it is unknown if the maximum production capacity will be achieved. As such, feasible mitigation consists of existing rules, regulations, and requirements. The Project will result in a *Less Than Significant Project-specific and Cumulative Impacts* related this Checklist Item.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

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

See Item a), earlier, and Cumulative Impact Analysis, below.

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

To result in a less than significant cumulative impact, the following three (3) criteria must be true:

1. Regional analysis: emissions of nonattainment pollutants must be below the Air District's regional significance thresholds. This is an approach recommended by the Air District in its GAMAQI.
2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.
3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the nonattainment pollutants. This approach correlates the significance of the regional analysis with health effects, consistent with the court decision, *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.

The first criteria used to evaluate potential Project impacts is to determine if the Project's emissions are below the Air District's significance thresholds. As previously discussed in Checklist Item a) "*Contribution to Air Quality Violations*" and demonstrated in **Tables 3.3-10 8 and-through 3.3-1011**, the Project's construction-related and ~~permitted~~-operation-related criteria pollutant emissions would not exceed Air District annual significance thresholds for any criteria pollutant. As demonstrated in Tables 3.3-11 through 3.3-13 the Project's

~~construction-related and operation-related criteria pollutant emissions would not exceed Air District AAQA screening threshold of 100 pound per day. The Project's non-permitted (mobile source) operation-related ROG, CO, SO₂, PM₁₀ and PM_{2.5} emissions also would not exceed Air District significant thresholds; however, NOx emissions from the mobile sources do exceed the threshold. As noted in Checklist Item a), of all vehicles accessing the site approximately 85.9% are medium heavy-duty and heavy-duty trucks.~~ Mobile source emissions are under the jurisdiction of the ARB. The Applicant's on-site equipment and heavy-duty truck fleet, which accounts for approximately 30.6% of all vehicles accessing the site, are currently ARB-compliant and will continue to comply with all applicable ARB rules and regulations. The Applicant does not own the heavy-duty trucks that will be used to transport finished product for sale. As truck registration is dependent upon compliance with ARB's truck regulations, it is reasonable to assume that all heavy-duty trucks accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related NOx emissions are also expected to decrease with time. The Project will comply with all applicable federal, State and Air District rules and regulations and will not result in daily emissions, from construction activities, permitted equipment/activities, or non-permitted equipment/activities, that would exceed the AAQA screening threshold of 100 pound per day. As such, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. ~~However, because mobile source NOx emissions exceed the Air District's significance thresholds they are considered to result in Significant Project-specific Impact.~~ As such, the Project's impacts are ~~also~~ considered cumulatively to have a less than significant Project-specific impact. Therefore, the Project will also result in a **Less Than Significant and Unavoidable Cumulative Impact** related this Checklist Item.

The second criteria used to evaluate potential Project impacts is to determine if the Project is consistent with current AQPs including control measures and regulations. In accordance with CEQA Guidelines 15130(b), this part of the analysis of cumulative impacts is based on a summary of projections analysis. This analysis considers the current CEQA Guidelines, which includes the amendments approved by the Natural Resources Agency, effective on December 28, 2018. Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The AQPs describe and evaluate the future projected emissions sources in the San Joaquin Valley Air Basin and set forth a strategy to meet both state and federal Clean Air Act planning requirements and federal ambient air quality standards. The Air District AQP are based on a summary of projections that accounts for projected growth throughout the Air Basin, and the controls needed to achieve ambient air quality standards. In accordance with CEQA Guidelines Section 15064(h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program. Therefore, the plans are relevant plans for a CEQA cumulative impacts analysis. As discussed in Checklist Item a) "*Compliance with Applicable Air Quality Plan Control Measures*" the Project is consistent with all applicable control measures in the air quality attainment plans. The Project would comply with any District rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be

less than significant with regard to compliance with applicable rules and regulations. Therefore, according to this criterion, this impact is ***Less Than Significant***.

The third criteria used to evaluate potential Project impacts is to determine if the Project would result in less than significant cumulative health effects from the nonattainment pollutants. In the 5th District Court of Appeal case *Sierra Club v. County of Fresno (Friant Ranch, L.P.)*, the Court found the project EIR deficient because it did not identify specific health related effects resulting from the estimated amount of pollutants generated by the project. The ruling stated that the EIR should give a “sense of the nature and magnitude of the ‘health and safety problems’ caused by a project’s air pollution. The EIR should translate the emission numbers into adverse impacts or to understand why such translation is not possible at this time (and what limited translation is, in fact, possible).”

The standard measure of the severity of impact is the concentration of pollutant in the atmosphere compared to the ambient air quality standard for the pollutant for a specified period of time. The severity of the impact increases with the concentration and the amount of time that people are exposed to the pollutant. The change in health impacts with concentration are described in the Air Quality Index (AQI) tables found on the Environmental Protection Agency’s (EPA) AirNow website, and presented in **Table 3.3-5** and **Table 3.3-6**. The pollutants of concern in the Friant Ranch ruling were regional criteria pollutants ozone, and PM₁₀. It is important to note that the potential for localized impacts can be addressed through dispersion modeling. The Air District includes screening criteria that if exceeded would require dispersion modeling to determine if project emissions would result in a significant health impact. For this Project, no significant localized health impacts would occur (see the Health Risk Assessment included in Appendix “A” of the EIR). Regional pollutants require more complex modeling as described below.

Ozone concentrations are estimated using regional photochemical models because ozone formation is subject to temperature, inversion strength, sunlight, emissions transport over long distances, dispersion, and the regional nature of the precursor emissions. The emissions from individual projects are too small to produce a measurable change in ozone concentrations - it is the cumulative contribution of emissions from existing and new development that is accounted for in the photochemical model. Ozone concentrations vary widely throughout the day and year even with the same amount of daily emissions. The Air District indicated in an Amicus Brief on Friant Ranch that running the photochemical model with just Friant Ranch emissions (109.5 tons/year NO_x) is not likely to yield valid information given the relative scale involved. A copy of the Air District’s brief is included in Attachment “B” ~~in this~~ of the AQ-GHG memo. The NO_x inventory for the San Joaquin Valley is 224 tons per day in 2019 or 81,760 tons per year. Friant Ranch would result in 0.13 percent increase in NO_x emissions. A project emitting at the Air District CEQA threshold of 10 tons per year would result in a 0.01 percent increase in NO_x emissions. Most project emissions are generated by motor vehicle travel distributed on regional roadways miles from the project site, and these emissions are not conducive to project-level modeling.

Emissions throughout the San Joaquin Valley are projected to markedly decline in the coming decade. The Air District's 2016 Ozone Plan predicts NO_x emissions will decline to 103 tons per day by 2029 or 54 percent from 2019 levels through implementation of control measures included in the plan. This means that ozone health impacts to residents of the San Joaquin Valley will be lower than currently experienced and most areas of the San Joaquin Valley will have attained ozone air quality standards. The plan accounts for growth in population at rates projected by the State of California for the San Joaquin Valley, so only cumulative projects that would exceed regional growth projections would potentially delay attainment and prolong the time and the number of people would experience health impacts. It is unlikely that anyone would experience greater impacts from regional emissions than currently occur. The federal transportation conformity regulation provides a means of ensuring growth in emissions does not exceed emission budgets for each County. Regional Transportation Plans and Regional Transportation Improvement Plans must provide a conformity analysis based on the latest planning assumptions that demonstrates that budgets will be not be exceeded. If budgets are exceeded, the San Joaquin Valley may be subject to Clean Air Act sanctions until the deficiency is addressed.

Particulate emission impacts can be localized and regional. Particulates can be directly emitted and can be formed in the atmosphere with chemical reactions. Small directly emitted particles such as diesel emissions and other combustion emissions can remain in the atmosphere for a long time and can be transported over long distances. Large particles such as fugitive dust tend to be deposited a short distance from where emitted but can also travel long distances during periods of high winds. Particulates can be washed out of the atmosphere by rain and deposited on surfaces. Secondary particulates formed in the atmosphere such as ammonium nitrate require NO_x and ammonia and require low inversion levels, and certain ranges of temperature and humidity to result in substantial concentrations. These complications make modeling project particulate emissions to determine concentration feasible only for directly emitted particles at receptor locations close to the project site. Regional particulate concentrations are modeled using a gridded inventory (emissions in tons/day are placed within a 4-kilometer, three-dimensional grid to spatially allocate the emissions geographically) and an atmospheric chemistry component is used to simulate the chemical reactions. The model uses relative reduction factors to determine the amount of reductions of each PM component will be needed to attain the air quality standards on the days with the conditions most favorable to high particulate concentrations. Only very large projects with emissions well in excess of Air District thresholds of significance would produce sufficient emissions to determine a project's individual contribution to the particulate concentration and health impact.

The Air Basin is in nonattainment for ozone, PM₁₀ (State only), and PM_{2.5}, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and the infirm). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects that are described in the EPA's AQI Calculator tables. However, the health effects are a factor of the dose-response curve. Concentration of the pollutant in the air (dose), the length of time exposed, and the response

of the individual are factors involved in the severity and nature of health impacts. If a significant health impact results from project emissions, it does not mean that 100 percent of the population would experience health effects. The “*Air Quality Monitoring Summary*” table (**Table 3.3-4**) provided in the “*Air Quality Conditions in Tulare County*” discussion ~~of the DEIR~~ relates the pollutant concentration experienced by residents using air quality data for the nearest air monitoring station to the health impacts ascribed to those concentrations by the EPA AQI. This provides a more detailed look at the actual impacts currently experienced by residents near the project site.

Since the Air Basin is nonattainment for ozone, PM₁₀, and PM_{2.5}, it is considered to have an existing significant cumulative health impact without the Project. When this occurs, the analysis considers whether the Project’s contribution to the existing violation of air quality standards is cumulatively considerable. The Air District’s regional thresholds for NO_x, VOC, PM₁₀, or PM_{2.5} are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact. As shown in **Tables 3.3-9 and 3.3-10**, the regional analysis of operational emissions indicates that ~~the Project’s related NO_x emissions from heavy-duty truck~~ emissions would not exceed the Air District’s significance thresholds if the facility operates at maximum permitted capacity in its opening year (2021). ~~However, m~~Maximum permitted capacity presents the worst-case emissions scenario. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related NO_x emissions are also expected to decrease with time. Furthermore, the Air District’s AQPs predict that nonattainment pollutant emissions will continue to decline each year as regulations adopted to reduce these emissions are implemented, accounting for growth projected for the region. Therefore, the cumulative health impact will also decline even with the Project’s emission contribution. Therefore, according to this criterion, this impact is ***Less Than Significant***

Mitigation Measure(s):

No Additional Measures beyond Compliance with Existing Regulation Required.

As discussed in Checklist Item a), the Project will comply with all federal, state, and Air District rules and regulation, and is consistent with and will implement all applicable policies of Tulare County General Plan. Mobile source emissions are under the jurisdiction of the ARB. The Applicant’s fleet is compliant with current ARB truck regulations and will continue to comply with all applicable ARB rules and regulations. The Applicant does not have control over the heavy-duty vehicles used in transport of final product from the site. As truck registration is dependent upon compliance with ARB’s truck regulations, it is reasonable to assume that all heavy-duty trucks accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, ~~the Project-related NO_x mobile source~~ emissions are also expected to decrease with time. Furthermore, as this is a new facility and actual production and sales are speculative at this time, it is unknown if the maximum production capacity will be achieved. As such, feasible mitigation consists of existing rules, regulations, and requirements

Conclusion:

Less Than Significant and Unavoidable Impacts

As previously noted, Project-related ~~non-permitted~~ operational-related (mobile source) NOx criteria pollutant emissions will not exceed the Air District's significance thresholds. The Project will be required to implement all applicable General Plan policies and to comply with all applicable State and Air District rules and regulations. ~~However, Although~~ the Applicant does not own all the trucks that will transport final product from the Project site, they must also comply with state regulation. Therefore, the Project will have a *Less Than Significant and Unavoidable Cumulative Impact* related to this Checklist Item.

c) Expose sensitive receptors to substantial pollutant concentrations?

Project Impact Analysis:

Less Than Significant Impact

Sensitive receptors are those individuals who are sensitive to air pollution and include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The Air District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. Consultant Alta Environmental prepared a Health Risk Assessment (HRA) consistent with San Joaquin Valley Air District protocols which concluded that the Project would not exceed any Air District thresholds for toxic air contaminants (TACs). The HRA is included in appendix "A" of this Draft EIR.

As noted in the in the HRA, at Emissions Estimates, "Operation of a concrete and HMA plant results in the generation of emissions. Specific sources of TACs at the proposed Dunn Facility include: the HMA dryer, asphalt oil storage tanks, cement silos, material transfer points, trucks used to transport material to and from the site, and off-road equipment to move material within the site. In certain cases, sources of TACs will be equipment with pollution control devices, such as baghouses and bin vents."⁵² The HRA is included in Appendix "A" of this DEIR.

In addition to estimating emissions from the sources noted above, the Air Dispersion Modeling discussion in the HRA notes, "Air dispersion modeling was performed to estimate ground level concentrations (GLCs) at and beyond the property boundary of the Facility. USEPA's AERMOD executable version 19191 via the BREEZE AERMOD software. Source release parameters were obtained from equipment specifications, published guidance documents, and facility personnel's knowledge of the expected equipment. Source parameters, such as name, location, release height, etc. are provided in Table 1 and Table 2 [of the HRA included in Appendix "A" of this DEIR].

Truck and off-road equipment emissions were modeled as a series of volume sources located along the expected path of travel. Emissions for these sources were divided evenly between

⁵² "Health Risk Assessment Dunn's Inc. 7763 Avenue 280 Visalia, CA 93277" (HRA) Page 3. Prepared by Alta Environmental and included in Appendix "A" of this DEIR.

Table 3.3-17 Construction Non-cancer Chronic Health Index ⁶⁴				
Receptor	UTM X (m)	UTM Y (m)	Non-Cancer Chronic HI	Target Organ
PMI	284,731.4	4,019,450.1	7.6E-02 ¹	RESP
MEIR	284,928.6	4,019,640.9	5.6E-03	RESP
MEIW	285,001.6	4,019,627.6	4.3E-03	RESP
¹ The cancer risk at the PMI presented above assumes the worker receptor exposure scenario because the PMI is located on the facility fenceline where residential receptors do not exist.				

Table 3.7-103-18 <u>Operational</u> Non-cancer Acute Chronic Health Index ⁶⁵				
Receptor	UTM X (m)	UTM Y (m)	Non-Cancer Chronic HI	Target Organ
PMI	284,731.4	4,019,450.1	0.2 ¹	RESP
MEIR	284,928.6	4,019,640.9	0.06	RESP
MEIW	285,001.6	4,019,627.6	0.02	RESP
¹ The cancer risk at the PMI presented above assumes the worker receptor exposure scenario because the PMI is located on the facility fenceline where residential receptors do not exist.				

As noted in the HRA, “Arsenic is the primary non-cancer chronic HI driver. The primary target organ for the non-cancer chronic HI is the respiratory system.”⁶⁶

Tables 3.3-19 and 3.3-20 summarize the potential non-cancer chronic HI at the PMI, MEIR, and MEIW:

Table 3.3-19 Construction Non-cancer Acute Health Index ⁶⁷				
Receptor	UTM X (m)	UTM Y (m)	Non-Cancer Acute HI	Target Organ
PMI	284,731.4	4,019,450.1	0	IMMUN
MEIR	284,928.6	4,019,640.9	0	IMMUN
MEIW	285,001.6	4,019,627.6	0	IMMUN

Table 3.3-20 Operation Non-cancer Acute Health Index ⁶⁸				
Receptor	UTM X (m)	UTM Y (m)	Non-Cancer Acute HI	Target Organ
PMI	284,731.4	4,019,450.1	0.3	IMMUN
MEIR	284,928.6	4,019,640.9	0.07	IMMUN
MEIW	285,001.6	4,019,627.6	0.07	IMMUN

⁶⁴ Op. Cit.

⁶⁵ Op. Cit.

⁶⁶ Op. Cit.

⁶⁷ Op. Cit.

⁶⁸ Op. Cit.

Attachment “3”

Chapter 3.6 Energy Affected Pages

Existing Energy Consumption

Electrical and natural gas services for the Project area are provided by Southern California Edison (SCE), and Southern California Gas Company (SoCal Gas), respectively. In 2018, SCE provided 4,422.9767624,512.913836 gigawatt-hours (GWh) of electricity to Tulare County customers (residential and non-residential).⁶ Also in 20162018, SoCal Gas provided a total of 157.285390 million therms in Tulare County⁷ See **Table 3.6-1**.

Table 3.6-1 2018 County and State Energy Demands on Energy Providers Southern California Gas and Southern California Edison⁸⁹		
Demand by:	Electricity (in MWh)	Gas (in Therms)
Tulare County	¹ <u>4,433,976.7624,512,913.836</u>	² 157,285,390
SCE and SCG Service Areas	¹ <u>83,399,988.19985,276,000.003</u>	² 5,156,078,935
<i>Notes: 1 Converted to MWh as CEC Energy Reports expresses in Millions of kWh (GWh). 2 Converted to MWh as CEC Energy Reports expresses in Millions of Therms.</i>		

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

REGULATORY SETTING

Federal Agencies & Regulations

Energy Policy Act of 2005

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

State Agencies & Regulations

California Energy Commission

⁶ California Energy Commission. California Energy Consumption Database. Electricity Consumption by County. Energy reports accessed August 2019 at: <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

⁷ Ibid. Gas Consumption by County. Accessed August 2019 at: <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁸ Op. Cit. Accessed August 2019 at: <http://ecdms.energy.ca.gov/elecbycounty.aspx> and <http://ecdms.energy.ca.gov/gasbycounty.aspx>

⁹ Op. Cit. Accessed August 2019 at: <http://ecdms.energy.ca.gov/elecbyplan.aspx><http://ecdms.energy.ca.gov/elecbyutil.aspx> and <http://ecdms.energy.ca.gov/gasbyutil.aspx>

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

PROJECT SPECIFIC ENERGY USAGE

Electricity and Natural Gas

Implementation of the proposed Project would result in the commitment of additional electricity through operation of the Project. Instead of natural gas, the Project will rely on liquefied propane gas delivered to the site on an as needed basis. The applicant's agent has indicated that operation of the proposed Project is estimated to result in the demand of 7,000 megawatt-hours per year (MWh/yr) of electricity (or about 0.0022% of Tulare County's non-residential demand (see **Table 3.6-2**) and 403,000 therms per year (therms/yr) of liquefied propane gas (stored on site) rather than utilizing natural gas from the nearest provider (SoCal Gas). However, in the event the Applicant determines that it is in its best interest, **Table 3.6-2** includes hypothetical natural gas demand. As shown in **Table 3.6-2**, the Project's hypothetical natural gas demand would represent 0.002526 percent of Tulare County's total demand, and 0.000078 percent of SoCal Gas' total 2018 gas demands for the County

Table 3.6-2		
Project Electricity and Natural Gas Demands		
	Natural Gas Demand (therms/yr)	Electricity Demand (MWh/yr)
Proposed Project (Asphalt/Concrete Batch Plant) ¹	403,000 ²	7,000
Tulare County Average (Non-Residential)	104,870,971 107,996,168	3,164,001 3,199,945
<u>Tulare County Average (Total)</u>	<u>157,285,390</u>	<u>4,512,914</u>
<u>Service Area Average (Non-Residential)</u>	<u>3,008,691,711</u>	<u>55,411,000</u>
<u>Service Area Average (Total)</u>	<u>5,156,078,935</u>	<u>85,276,000</u>
-Statewide Average (Non-Residential)	8,411,593,081 8,272,966,627	194,014,563 190,707,116
<u>Statewide Average (Total)</u>	<u>12,666,398,562</u>	<u>284,436,262</u>
¹ Provided by applicant's agent.		
² Hypothetical as the Project will utilize compressed natural gas delivered to the site as needed.		

Construction Fuel Consumption

As construction-related activities will be one-time, short-duration, and temporary in nature; gasoline and diesel fuel have not been estimated. Typical construction equipment usage will not occur for this Project as there will be minimal land shaping as the site is flat (as such, grading will be kept to a minimum), no new construction will occur as the existing structure will be converted into office space, truck parking areas will require minimal grading and will consists of new and decomposed gravel, a small parking area to accommodate 10-20 employee vehicles will

Operational Vehicle Fuel Consumption

Operation of the Project would result in the daily consumption of vehicle fuel as haulers would travel to and from the Project site as they would contribute approximately 92.787.2% of all trips; employees are anticipated to contribute 7.312.8% of all trips. In order to estimate fuel consumption, it is necessary to estimate vehicle type(s), daily distance(s) travelled (in vehicle miles travelled (VMT)), and average fuel economy by vehicle type(s). According to the Tulare County Association of Governments (TCAG), all of Tulare County averaged 10,650,825 million VMT/day.¹³ Based on this estimate, adding the Project's daily VMT (12,9487,647) to the figure provided by TCAG would result in a contribution of approximately 0.0012072% of all daily VMT in Tulare County. TCAG also provided an estimated County-wide daily VMT for a broad range of heavy-duty vehicles at 3,127,189; as such, adding the Project's heavy-duty truck VMT to this figure would result in a contribution of approximately 0.004122% of heavy-duty truck VMT.

As provided in **Table 3.6-3**, Project operation is anticipated to result in the generation of an additional 3,237,0401,911,684 VMT annually, or approximately 0.00087-00021 percent of the County's annual VMT (based on 2017 figures). Using vehicle fleet mix data provided by the applicant and average fuel economy information provided by the Bureau of Transportation Statistics, the Project-generated annual VMT would result in the consumption of approximately 9,8608,025 gallons of gasoline fuel per year and 570,754324,721 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand.¹⁴

Table 3.6-3				
Vehicle Miles Traveled^{15,16}				
	Population	Total Annual VMT	Daily VMT	
			250 Days/Yr.	365 Days/Yr.
State	39,523,613	334,700,000,000	1,338,800,000	916,986,301
Tulare County	471,686	3,686,282,000	14,745,128	10,099,403
Proposed Project ²	N/A	<u>3,237,0401,911,684</u>	<u>12,9487,647</u>	<u>8,8695,237^a</u>
^a For illustrative and informational purposes only as the Project will not operate 365/yr.				

Table 3.6-4 shows the number of vehicles, VMT, and fuel consumption from the proposed Project. The Project is a non-residential development and is intended to provide services for construction-related materials (i.e., asphalt, cement, and recycled asphalt/concrete) within and without the Project area. Given the nature of the Project (i.e., predominantly manufacturing of asphalt and concrete), VMT has been generalized for likely market areas (expressed in round-trip

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

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

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

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

distances) within 30 miles (local), 68 miles to/from Porterville, 36 miles to the Fresno County line, and 74 miles to the Kern County line. As it is impossible to identify specific destinations of delivery to a project site requiring the material(s) provided by the Project, a reasonable assumption is to generalize likely distances. For instance, the 30-mile assumption would cover every city within Tulare County, and the cities of Hanford and Corcoran in Kings County. The distances to the Fresno and Kern County lines are assumed as destination end-points as it would be speculative to identify specific destinations within the respective counties. It is noted that the 2013 *San Joaquin Valley Model Improvement Freight Forecasting Models* ((Forecasting Models) at Table 32 *Tulare County Truck Trips and Lengths by Types*) indicates that medium trucks averaged 12.6 miles per trip and heavy duty trucks averaged 65.8 miles per trip.¹⁷ Using the 12.6 miles average for medium trucks, and converting the distance to round-trips would result in 25.2 round-trip miles which is 5 miles less than the distance used in Table 3.6-6. For heavy-duty trucks, a round-trip to the Kern county line would be approximately 74 miles, which is only 8.2 miles longer than the average heavy-duty truck one-way trip noted in the Forecasting Models. However, the center of Bakersfield is approximately 69 miles, which is only 4.2 miles greater than the Forecasting Models' heavy-duty one-way distance for trucks. Of all VMT noted in Table 3.6-6, approximately ~~83.5~~85.86% of the Project's VMT is from heavy-duty trucks. Further, according to the Forecasting Models document, Tulare County's heavy-duty truck travel distances are nearly twice that of Madera and Kings Counties, 50% greater than Merced, Stanislaus, and San Joaquin Counties, but is approximately 50% of Fresno and Kern Counties. As such, the Project is generally in the "middle ground" when compared to other San Joaquin Valley counties regarding VMT for heavy-duty trucks as shown in Table 3.6-5.

Table 3.6-4 Annual Estimated Operational Vehicle Fuel Consumption ¹⁸				
Vehicle Type	Project's Annual Number and Percent of Vehicle Trips ¹		National Average Fuel Economy (miles/gallon) ⁷	National Annual Average Fuel Consumption (gallons) ⁹
Car ¹	9,360	12. 67 <u>77</u> %	23.96	480
Light-Duty Vehicle ²	500	0. 96 <u>8</u> %	22.04	524
Light Truck/Van ³	500	0. 96 <u>8</u> %	17.40	683
Delivery Truck ⁴	1,250	1. 69 <u>71</u> %	6.64	1,974
Heavy Duty Trucks ⁵	61, 664 <u>086</u>	83. 49 <u>37</u> %	5.29	12,889
Other Trucks ⁶	578	0. 07 <u>679</u> %	N/A <u>5.29</u>	N/A <u>12,889</u>
Total	73,852<u>274</u>	100%	N/A	N/A
¹ Employee Automobile as described in the TIS; ² Outside Services as described in the TIS; ³ Other Materials/Services as described in the TIS; ⁴ Recycled Material as described in the TIS; ⁵ All 4- and 5-axle Trucks (including Ready Mix Concrete Trucks) as described in the TIS; ⁶ Oil Delivery, Propane Delivery, and diesel Fuel Delivery Trucks as described in the TIS; ⁷ Average fuel economy based on average 2016 U.S. vehicle fuel efficiency (mpg) from Table 4-11: Light Duty Vehicle, Short Wheel Base and Motorcycle Fuel Consumption and Travel; Table 4-12: Average Light Duty Vehicle, Long Wheel Base Fuel Consumption and Travel, and Table 4-13: Single-Unit 2-Axle 6-Tire or				

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

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

Draft Environmental Impact Report for
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 3.6-4
Annual Estimated Operational Vehicle Fuel Consumption¹⁸

More Truck Fuel Consumption and Travel of the National Transportation Statistics.

Table 3.6-5
One-Way Distances Travelled by Heavy-Duty Trucks in San Joaquin Valley Counties

County	Miles
Fresno	121.5
Kern	124.0
Kings	30.9
Madera	30.9
Merced/Stanislaus/San Joaquin	41.1
Tulare	65.8

Source: San Joaquin Valley Model Improvement Program Freight Forecasting Models Tables 19, 24, 26, 29, and 32.

The annual VMT for all vehicles types resulting from the Project are estimated at 3,510,522, 1,911,684 (or approximately 14,042,087,647 per day based on 250 working days, or 6,127 per day based on 312 working days) resulting in an estimated annual fuel consumption of 14,2438,025 gallons of gasoline and 592,283332,745 gallons of diesel. See **Table 3.6-6**.

Table 3.6-6
Estimated Operational Vehicle Fuel Consumption¹⁹

Vehicle Type	Distances in Round-trip miles	Number of Vehicles	Annual VMT ⁷	National Avg. Fuel Economy (miles/gallon) ⁸	Estimated Annual Fuel Consumption (gallons) ⁹
Car ¹	Travel w/i 30 mi. ^a	<u>7,9563,978</u>	<u>238,680119,340</u>	23.96	<u>9,9624,981¹⁰</u>
	68 miles to/from Porterville ^b	<u>1,404^c702</u>	<u>42,12047,736</u>		<u>1,7581,992⁰</u>
Light-Duty Vehicle ²	Travel w/i 30 mi. ^a	<u>425^c75^c</u>	<u>42,7502,250</u>	22.04	<u>578¹⁰102¹⁰</u>
	68-36 miles to/from Porterville-Fresno Co. line ^b	<u>75^c88^c</u>	<u>5,1003,150</u>		<u>231¹⁰143¹⁰</u>
	74 miles to Kern Co. line	88	<u>6,475</u>		<u>294¹⁰</u>
Light Truck / Van ³	Travel w/i 30 mi. ^a	<u>150^d213^d</u>	<u>4,5006375</u>	17.40	<u>608¹⁰366¹⁰</u>
	36 miles to Fresno Co. line	<u>175^d</u>	<u>6,300</u>		<u>362¹⁰</u>
	74-68 miles to/from Porterville-Kern Co. line	<u>175^d38^d</u>	<u>12,9502,550</u>		<u>744¹⁰147¹⁰</u>
Delivery Truck ⁴	Travel w/i 30 mi. ^a	<u>375^d188^d</u>	<u>41,2505,625</u>	6.64	<u>1,694847¹¹</u>
	36 miles to Fresno Co. line	<u>437.5219^d</u>	<u>15,7507,875</u>		<u>2,3721,186¹¹</u>
	74 miles to Kern Co. line	<u>437.5219^d</u>	<u>32,37516,188</u>		<u>4,8762,438¹¹</u>
Heavy Duty Trucks ⁵	Travel w/i 30 mi. ^a	<u>19,1745,803^d</u>	<u>575,220174,087</u>	5.29	<u>108,73732,909¹¹</u>

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

Draft Environmental Impact Report for
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 3.6-6
Estimated Operational Vehicle Fuel Consumption¹⁹

Vehicle Type	Distances in Round-trip miles	Number of Vehicles	Annual VMT ⁷	National Avg. Fuel Economy (miles/gallon) ⁸	Estimated Annual Fuel Consumption (gallons) ⁹	
	36 miles to Fresno Co. line	<u>22,3706.77</u> 0 ^d	<u>805,320243.</u> 722		<u>452,23446.072</u> ¹¹	
	68 miles to/from Porterville	11,200	761,600		143,970	
	74 miles to Kern Co. line	<u>22,3706.77</u> 0 ^d	<u>1,655,38050</u> 0,984		<u>312,92694.704</u> ¹¹	
Other Trucks⁶	Travel w/i 30 mi. ^a	<u>315^d87^d</u>	<u>9,4802.601</u>	5.29	<u>1,792492</u> ¹¹	
	36 miles to Fresno Co. line	<u>368^d101^d</u>	<u>13,2483.641</u>		<u>2,504688</u> ¹¹	
	74 miles to Kern Co. line	<u>368^d101^d</u>	<u>27,2327.485</u>		<u>5,1481.415</u> ¹¹	
Total	Car and Light Truck travel w/i 30 mi.	<u>8,3814.053</u>	<u>251,430121.</u> 590	23.96	<u>10,4945.083</u> ¹⁰	
	Car and Light Duty Vehicle travel to/from Porterville (68 mi.)	<u>1,479740</u>	<u>100,57250.2</u> 86		<u>4,1972139</u> ¹⁰	
	All Travel w/i 30 mi. ^a	<u>28,39510.3</u> 43	<u>851,850310.</u> 278		Gasoline	Diesel
					<u>11,1485,449</u>	<u>112,22334.24</u> 8
	Travel to/from Porterville (68 mi.) ⁷	<u>1,47911.94</u> 0	<u>100,572811.</u> 886		<u>1,9892,139</u>	<u>N/A143,970</u>
	36 miles to Fresno Co.	<u>23,3507.17</u> 7	<u>840,600258.</u> 388		<u>362143</u>	<u>157,11047.94</u> 7
	74 miles to Kern Co.	<u>23,2507.17</u> 7	<u>1,720,50053</u> 1,131		<u>744294</u>	<u>322,95098.55</u> 7
GRAND TOTAL¹²	ALL TRAVEL	<u>76,57436.6</u> 37	<u>3,510,5221.9</u> 11,684	N/A	<u>14,2438,025</u>	<u>592,283324.7</u> 21

^a Cities within approximately 15 miles include all cities in Tulare County, and Hanford and Corcoran in Kings County; ^bPorterville is approximately 34 miles east/southeast of the Project location; ^c85% of population within Project site, 12.7% of population in Porterville. 2.3 % in foothills/mountain areas; ^d TIS distributes vehicles as 35% north on SR 99, 35% south on SR 99, 20-% east of SR 99, and 10% west of SR 995.

¹ Employee Automobile as described in the TIS; ²Outside Services as described in the TIS; ³Other Materials/Services as described in the TIS; ⁴Recycled Material as described in the TIS; ⁵All 4- and 5-axle Trucks (including Ready Mix Concrete Trucks) as described in the TIS; ⁶Oil Delivery, Propane Delivery, and diesel Fuel Delivery Trucks as described in the TIS; ⁷Only includes cars and light duty vehicles as it is uncertain how many other vehicle types would travel to/from Porterville. VMT is estimated by multiplying Distances X Vehicles resulting in miles (e.g., 30 miles X 150 vehicles = 4,500 vehicle miles travelled); Average fuel economy based on average 2016 U.S. vehicle fuel efficiency (mpg) from Table 4-11: Light Duty Vehicle, Short Wheel Base and Motorcycle Fuel Consumption and Travel; Table 4-12: Average Light Duty Vehicle, Long Wheel Base Fuel Consumption and Travel, and Table 4-13: Single-Unit 2-Axle 6-Tire or More Truck Fuel Consumption and Travel of the National Transportation Statistics; ⁸VMT divided by National Average Fuel Economy; ¹⁰Assumes gasoline as fuel; ¹¹Assumes diesel as fuel; ¹²Grand Totals are not necessarily tabular in the column where it is shown.

CEQA REQUIREMENTS AND ENERGY CONSERVATION STANDARDS

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

provided by the CEQA Guidelines, Appendix F offers several recommendations for inclusion in an analysis of impacts on energy resources to determine whether a project would:

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

Operation of the proposed Project would result in the demand for approximately 7,000 MWh/year of electricity, 403,000 therms/year of natural gas, 9,8608,025 gallons/year of gasoline as vehicle fuel, and 570,754324,721 gallons/year of diesel as vehicle fuel. The most recent energy demands reports are for 2018. Based on 2018 energy demands and capacity of service providers (in this case, Southern California Edison (SCE) and Southern California Gas (SoCal Gas)) for the Project area, estimated operational demand for electricity and natural gas as part of the Project would represent approximately 0.00150.16 percent of Tulare County's and 0.0000830.0082 percent of SCE's total 2018 electricity demands. The Project would represent 0.00250.26 percent of Tulare County's and 0.0000780.0078 percent of SoCal Gas' total 2018 gas demands for the County. Further, as noted earlier, the Project would consume 9,8608,025 gallons of gasoline fuel per year and 570,754324,721 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand.

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

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

percent in 2009 to 20 percent in 2017. In addition, 1.4 million tons of asphalt shingle waste were recycled in hot and warm-mix asphalt mixtures.”²⁰

IMPACT EVALUATION

Would the project:

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

Project Impact Analysis:

Less Than Significant Impact

As noted earlier, construction-related activities will be one-time, short-duration (approximately 90 weekday days), and temporary in nature; therefore, gasoline and diesel fuel use during construction-related activities have not been estimated. Typical construction equipment usage will not occur for this Project as there will be minimal land shaping as the site is flat (as such, grading will be kept to a minimum), no new construction will occur as the existing structure will be converted into office space, truck parking areas will require minimal grading and will consist of new and decomposed gravel, a small parking area to accommodate 10-20 employee vehicles will be paved near the office, storage pile areas will not require any land-shaping, and construction of an appropriately sized engineered storm water basin. The asphalt and concrete batch plants (powered by electricity) will be assembled rather than constructed; a portable crusher will be brought on site as needed (approximately 5-10 times per year, operates on diesel fuel). Therefore, construction-related energy use will result in a *Less Than Significant Impact*.

Operation of the proposed Project would result in the demand for approximately 7,000 MWh/yr. of electricity; ~~9,860~~8,025 gallons of gasoline fuel per year; and ~~570,754~~324,721 gallons of diesel fuel per year. Based on existing energy demands and capacity of service providers, estimated operational demand for electricity as part of the Project would represent ~~0.001~~50.16 percent of Tulare County's and ~~0.00008~~30.0082 percent of SCE's total 2018 electricity demands. As noted earlier, the Project will use liquid propane gas as its gas source. However, if the Project were to receive natural gas from the nearest provider (SoCal Gas) its estimated 403,000 therms/yr. of natural gas would account for ~~0.002~~50.27 percent of Tulare County's and ~~0.000078~~ percent of SoCal Gas' total 2018 gas demands for its natural gas service area.

Lastly, also as noted earlier, of all VMT noted in **Table 3.6-6**, approximately ~~87.5~~85.86% of the Project's VMT is from heavy-duty trucks. Further, according to the Forecasting Models document, Tulare County's heavy-duty truck travel distances are nearly twice that of Madera and Kings Counties, 50% greater than Merced, Stanislaus, and San Joaquin Counties, but is

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

approximately 50% less than Fresno and Kern Counties. As such, the Project, is generally in the “middle ground” when compared to other San Joaquin Valley counties regarding VMT for heavy-duty trucks as shown in **Table 3.6-5**. As such, based on VMT, the Project would consume 9,8608,025 gallons of gasoline fuel per year and 570,754324,721 gallons of diesel fuel per year, representing approximately 0.000024 percent and 0.00042 percent; respectively, of the statewide vehicle fuel demand. The Project would provide a source of building materials (in this case asphalt and concrete) that are vital to construction-related activities. Its relatively central location in the San Joaquin Valley, proximity to SRs 99 and 198 (and connectivity to other local and regional transportation corridors), its less than 1% use of electricity energy demand from SCE, its potential to use less than 1% of natural gas demand from SoCal Gas, its less than 1% use of gasoline and diesel fuels of the entire State’s supply, and recycling of asphalt and concrete demonstrate that the Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation is necessary; nor will it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As such, the Project would result in a ***Less Than Significant Impact*** to these resources.

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

The geographic area of this cumulative analysis is Tulare County, the 8-County area of the San Joaquin Valley, and the Southern California Edison and Southern California Gas companies’ service areas. The proposed Project would incrementally contribute to adverse impacts on energy resource demand and conservation when considering the cumulative impact of concurrently planned projects; however, like the proposed Project, discretionary actions requiring agency approval are required to comply with local, regional, state, and federal policies designed to reduce wasteful energy consumption, and improve overall energy conservation and sustainability. Therefore, it is not anticipated that the Project’s contribution to cumulative impacts generated with projects provided in Chapter 4 Summary of Cumulative Impacts would result in a significantly considerable wasteful use of energy resources, such that the Project, and other cumulative projects, would have a cumulative effect on energy conservation. Cumulative impacts as of a result of the Project would be ***Less Than Significant***.

Mitigation: ***None Required***

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

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

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

See Item a), above.

Attachment “4”

Chapter 3.8 Greenhouse Gas Emissions Affected Pages

Greenhouse Gas Emissions

Chapter 3.8

SUMMARY OF FINDINGS

Based on the impact analysis below, potential impacts to greenhouse gas emissions as a result of the proposed Project are determined to be ***Less Than Significant***. The impact determinations in this chapter are based upon information obtained from the References listed at the end of this chapter, as well as information contained in the *“Air Quality, and Greenhouse Gases and Energy Consumption Assessments for the Dunn Asphalt and Concrete Batch Plant (SCH# 2019011039)”* Technical Memorandum (AGE-GHG Memo) prepared by RMA Staff and in the detailed Health Risk Assessment and Ambient Air Quality Analysis determination prepared by consultant Alta Environmental, provided in Appendix “A” of this DEIR. A detailed review of potential impacts is provided in the analysis as follows.

INTRODUCTION

CEQA Requirements for Evaluation of Impacts to Greenhouse Gas Emissions

This section of the DEIR addresses potential impacts related to GHG emissions. As required in CEQA Guidelines Section 15126, all phases of the proposed Project would be considered as part of the potential environmental impact.

CEQA Guideline Section 15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions provides the following guidance for lead agencies in determining the significance of impacts from GHG emissions:

- “(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
 - (1) Quantify greenhouse gas emissions resulting from a project; and/or
 - (2) Rely on a qualitative analysis or performance based standards.
- (b) In determining the significance of a project’s greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project’s emissions to the effects of climate change. A project’s incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency’s analysis should consider a timeframe that is appropriate for the project. The agency’s

source emission model and EPA emission factors. CalEEMod assumes compliance with some, but not all, applicable rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other GHG reduction policies, as described in the CalEEMod User's Guide.

Full assumptions and model outputs are provided in the Health Risk Assessment report, Authority to Construct Applications, and Greenhouse Gas Analysis memo prepared by Alta Environmental (Appendix "A" of the DEIR), and the [CalEEMod report emissions calculation tables](#) included as Attachment "A" of [this the AQ-GHG](#) memo. The results of the GHG analysis for the Project operational emissions are presented in **Table 3.8-3**.

Table 3.8-3. Project Greenhouse Gas Emissions	
Source	Emissions (MTCO₂e per year)
Construction	
On-site Emissions ¹	325
Off-site Emissions ¹	585
Total Construction	909
On-Site Operations	
HMA Dryer ²	36,391
HMA Oil Heater ²	539
On-site Haul Trucks ²	257
On-site Off-Road Equipment ²	698
Area Sources ¹	0.01
Energy ¹	45
Waste ¹	31
Water ¹	16
Total On-Site Operations	37,977
Off-Site Operations	
Off-site Haul Trucks ³	4,485 2,588
Employee Vehicles ³	118 59
Total Off-Site Operations	4,604 2,647
Total Operations	43,490 41,533
Notes: MTCO ₂ e = metric tons of carbon dioxide equivalents. 1 Source:Health Risk Assessment (Attachment 2) prepared by Alta Environmental. Operational mobile sources not included as they were included in the calculations in Attachment A of this analysis. 2 Source:Greenhouse Gas Analysis memo prepared by Alta Environmental. 3 Source:Attachment A of this the AQ-GHG memo.	

As shown in **Table 3.8-3**, the Project would result in GHG emissions of ~~43,490~~**41,533** MTCO₂e per year. The modeling includes the benefits of existing regulations that reduce Project emissions. The analysis presented above does not include new strategies proposed in the 2030 Scoping Plan Update. The Update provides alternatives in terms of their likelihood of implementation and ranges of reduction from the strategies. Measures already authorized by legislation are highly likely to be implemented, while measures requiring new legislation are less likely to go forward. A new round of motor vehicle fuel efficiency standards beyond 2025 when LEV III standards are at their maximum reduction level is highly likely.

Table 3.8-5 General Plan Policies Having Greenhouse Gas Emission Reductions			
Sustainability and Greenhouse Gas Emissions			
AQ-3.6	Mixed Use Development	HS-1.4	Building and Codes
LU-1.1	Smart Growth and Healthy Communities	TC-2.1	Rail Service
LU-1.2	Innovative Development	TC-2.4	High Speed Rail (HSR)
LU-1.3	Prevent Incompatible Uses	TC-2.7	Rail Facilities and Existing Development*
LU-1.4	Compact Development	TC-4.4	Nodal Land Use Patterns that Support Public Transit
LU-1.8	Encourage Infill Development	TC-5.1	Bicycle/Pedestrian Trail System
LU-2.1	Agricultural Lands	TC-5.2	Consider Non-Motorized Modes in Planning and Development
LU-3.2	Cluster Development	TC-5.3	Provisions for Bicycle Use
LU-3.3	High-Density Residential Locations	TC-5.4	Design Standards for Bicycle Routes
LU-4.1	Neighborhood Commercial Uses	TC-5.5	Facilities
LU-7.1	Distinctive Neighborhoods	TC-5.6	Regional Bicycle Plan
LU-7.2	Integrate Natural Features	TC-5.7	Designated Bike Paths
LU-7.3	Friendly Streets	TC-5.8	Multi-Use Trails
LU-7.15	Energy Conservation	PFS-1.3	Impact Mitigation
ED-2.3	New Industries	PFS-1.15	Efficient Expansion
ED-2.8	Jobs/Housing Ratio	PFS-2.1	Water Supply
ED-5.9	Bikeways	PFS-2.2	Adequate Systems
ED-6.1	Revitalization of Community Centers	PFS-3.3	New Development Requirements
ED-6.2	Comprehensive Redevelopment Plan	PFS-5.3	Solid Waste Reduction
ED-6.3	Entertainment Venues	PFS-5.4	County Usage of Recycled Materials and Products
ED-6.4	Culturally Diverse Business	PFS-5.5	Private Use of Recycled Products
ED-6.5	Intermodal Hubs for Community and Hamlet Core Areas	PFS-8.3	Location of School Sites
ED-6.7	Existing Commercial Centers	PFS-8.5	Government Facilities and Services
SL-3.1	Community Centers and Neighborhoods	WR-1.5	Expand Use of Reclaimed Wastewater
ERM-1.1	Protection of Rare and Endangered Species	WR-1.6	Expand Use of Reclaimed Water
		WR-3.5	Use of Native and Drought Tolerant Landscaping
Source: Tulare County Climate Action Plan, Table 20. * This GHG reduction policy is not included in the Tulare County CAP, but is included in the Tulare County General Plan 2030 Update. ** This GHG reduction policy is not included in Table 20 of the CAP, but it is included in the detailed list of policies provided within pages 64-77 of the CAP.			

As previously discussed, the 2018 CAP Update address SB 32 2030 targets and ARB's 2017 Scoping Plan and focuses on residential and commercial development and CAP reduction targets are not intended for Industrial process emissions since they are subject to Cap-and-Trade. No asphalt or concrete industry-specific local measures are included in the CAP; however, the Project will comply with State regulations that apply to fuels used by Project trucks and equipment, vehicle emission standards, and electricity consumed by the Project that will reduce Project emissions. As the Air District is a Responsible Agency for this Project, the Project would be expected to implement applicable BPS as included in the Air District's policies and guidelines on the processes and stationary equipment that emit greenhouse gases to levels that meet or exceed state targets and may be subject to Cap-and-Trade Program requirements. Therefore, ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur.

Global Warming: “Global warming is an increase in the temperature of the Earth’s troposphere. Global warming has occurred in the past as a result of natural influences, but the term is most often used to refer to the warming predicted by computer models to occur as a result of increased emissions of greenhouse gases.”⁵⁵

Greenhouse Gas: “Greenhouse gas (GHG) emissions are the release of any gas that absorbs infrared radiation in the atmosphere. Generally when referenced in terms of global climate they are considered to be harmful. Greenhouse gases include, but are not limited to, water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrochlorofluorocarbons (HCFCs), ozone (O₃), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).”⁵⁶

REFERENCES

California Air Pollution Control Officers Association (CAPCOA). Accessed November 2019 at: <http://www.capcoa.org/>.

CAPCOA Greenhouse Gas Reduction Exchange. Website: <http://www.ghgrx.org/>.

California Air Resource Board (ARB, CARB) Accessed November 2019 at:

Assembly Bill 32 Overview. Website: <http://www.arb.ca.gov/cc/ab32/ab32.htm>.

Air Quality Standards and Area Designations. Website: <http://www.arb.ca.gov/desig/desig.htm>.

2004 Revisions to the California State Implementation Plan for Carbon Monoxide. Website: <http://www.arb.ca.gov/planning/sip/co/co.htm>.

CEQA Guidelines Section 15064.4 and Appendix G

~~Deer Creek Mine Expansion Project. Draft Supplemental Environmental Impact Report. Appendix A “Air Quality and Greenhouse Gas Analysis Report Deer Creek Mine Expansion Project Tulare County, California.” October 2019. Prepared by Mitchell Air Quality Consulting.~~

San Joaquin Valley Air Pollution Control District (Air District, SJVAPCD) Accessed November 2019 at:

About the District. Website: http://www.valleyair.org/General_info/aboutdist.htm#Mission.

District Policy APR 2015: Zero Equivalency Policy for Greenhouse Gases. Website: http://www.valleyair.org/policies_per/Policies/REVISEDAP2015.pdf.

⁵⁴ Op. Cit.

⁵⁵ General Plan 2030 Update Background Report. Page 6-3.

⁵⁶ Ibid. 6-3.

District Policy APR 2005: Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as Lead Agency. Website:

http://www.valleyair.org/policies_per/Policies/APR2005.pdf.

FACT SHEET: Addressing Greenhouse Gas Emissions Impact under the California Environmental Quality Act (CEQA) – Land Use Development Projects. Website:

https://www.valleyair.org/Programs/CCAP/bps/Fact_Sheet_Development_Sources.pdf.

Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Website: [http://www.valleyair.org/Programs/CCAP/12-17-](http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf)

[09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf](http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf).

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Technical Memorandum: Air Quality and Greenhouse Gas (AQ-GHG) Assessments for the Dunn Asphalt and Concrete Batch Plant (SCH# 2019011039). December -2019. Included as Appendix “A” of this DEIR.

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U.S. Greenhouse Gas Inventory Report Archive. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2011. EPA 430-R-13-001. Website:

<http://www3.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2011-Chapter-1-Introduction.pdf>.

Attachment “5”
Executive Summary
Affected Pages

Executive Summary

This Draft Environmental Impact Report (Draft EIR, DEIR, or EIR) concludes that the proposed Dunn Asphalt and Concrete Batch Plant Project (“Project” or “Proposed Project”) ~~could~~would result in ~~a **No Significant and Unavoidable Impact**~~ to the ~~Air Quality resource~~environment.

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

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

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

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

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

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

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

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

TULARE COUNTY OBJECTIVES

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

- AG-1.1 Primary Land Use
- AG-1.6 Conservation Easements

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

² CalRecycle. California’s 75 Percent Initiative Defining the Future. <http://www.calrecycle.ca.gov/75percent/>. Accessed July 2019.

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

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

TC-1.14	Roadway Facilities
TC-1.15	Traffic Impact Study
TC-1.16	County Level Of Service (LOS) Standards
WR-2.1	Protect Water Quality
WR-2.2	National Pollutant Discharge Elimination System (NDPES) Enforcement
WR-2.3	Best Management Practices (BMPs)
WR-2.4	Construction Site Sediment Control
WR-2.5	Major Drainage Management
WR-2.6	Degraded Water Resources
WR-2.8	Point Source Control
WR-3.3	Adequate Water Availability
WR-3.5	Use of Native and Drought Tolerant Landscaping
WR-3.6	Water Use Efficiency
WR-3.10	Diversion of Surface Water

PROJECT BENEFITS

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

- 1) The Project will produce construction materials to support roadway improvements and other construction projects in Tulare County.
- 2) The Project will create 15-20 new permanent jobs.
- 3) The Applicant will support, through monetary contributions, roadway improvements in the County of Tulare. Prior to Project approval, the mechanism for payment of a \$500,000 fair share payment shall be established (based on estimates by RMA- Public Works Engineering).
- 4) The Project includes diversion from landfills and recycling of 30,000 tons annually of asphalt and concrete.
- 5) The Project will implement one hundred six (106) Tulare County General Plan 2030 policies
- 6) The Project will provide aesthetic improvements through use of landscaping (trees and shrubs) along the Avenue 280 frontage, and along the length of the northern, western, and southern property lines, with a 5-year grow-out schedule to maturity.

SUMMARY OF CHAPTERS

Chapter 1 Introduction

The County of Tulare is proposing the ~~Hash Farms Subdivision~~ Dunn Asphalt and Concrete Batch Plant Project to allow the development of ~~the phased construction of 160 single family residential units and forty multi-family units over approximately 54 acres. Also proposed in the development~~

~~is a 2.54-acre park, a permanent asphalt and concrete batch plant with on-site recycling of concrete and asphalt materials. The proposed Project lies within a portion of the NE-NW ¼ of Section 268, Township 16S 19S, Range 22E 24E, M-D-B-&M. The approximately 20-acre site is currently zoned AE-40 (Extensive Agriculture – 40 Acre Minimum) and is within the Goshen 7.5 Minute USGS Quadrangle and R-1-7 (Single Family Residential) and as a part of the proposed Project, will be rezoned to R-1-7, R-1-6 and RM (Multi-family Residential).~~

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

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

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

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

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

Chapter 2 Project Description, Objectives, and Environmental Setting

As noted earlier, the ~~Hash Farms Development Specific Plan~~Dunn Asphalt and Concrete Batch Plant Project ~~is a proposed plan for the~~ development of a permanent asphalt and concrete batch plant 200-unit residential subdivision (160 single-family units and 40 multi-family units) on an total of approximately 54-20-acres site, including a 2.54-acre park and 1.15-acre fenced on-site recycling of concrete and asphalt materials, an office/warehouse building, and stormwater drainage basin. The proposed Specific Plan and “Memorandum of Understanding: Hash Subdivision Financing and Tax Sharing Plan” is provided in Appendix “H” of this DEIR.

In summary, Chapter 2 contains the following:

- Project Location: The proposed Project will be located at 7763 Avenue 280, Visalia, CA, on the south side of Avenue 280 and east of Road 76~~the northwest corner of Road 16 and Avenue 396, partially within the City of Kingsburg, Fresno County and Tulare County.~~ The site is approximately one-half 0.65 miles east-west of State Route 99~~and approximately one-tenth of a mile south of State Route 201.~~

- Vicinity of Project Site: Generally, in the northwest quadrant of Tulare County, ~~and in the southeast portion west~~ of the City of ~~Kingsburg~~Visalia, as shown in Figures 2-1 ~~and 2-2~~.
- Project Description ~~(baseline conditions information pertinent to the proposed Project):~~ Describes the ~~existing land use and the improvements processes and equipment necessary for operations of the proposed with the residential development~~asphalt and concrete batch plant.
- Current Land Use and Surrounding Land Use: Describes the existing land use of the Project site and surrounding properties, as shown in Figure 3.1-2.
- Project Objectives and Benefits: See pages ES-45 ~~and through~~ ES-58, or Chapter 2, pages 2-5-3 ~~and through 2-65~~.
- Actions Required: Identifies actions/permits required by the Lead and Responsible Agencies.
- ~~Regulatory Setting: Applicable statutes, rules, regulations, standards, policies, etc. of the County of Tulare, local or special districts, utilities, and State and Federal governments.~~

Chapter 3 Impact Analysis of Resources

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

- Summary of Findings;
- Introduction, including Thresholds of Significance;
- Environmental Settings;
- Regulatory Settings such as applicable Federal, State, and Local laws, statutes, rules, regulations, and policies;
- Impact ~~Evaluation~~Analysis 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 “~~HG~~”. Among the studies are Appendix “A” which includes “*Technical Memorandum Air Quality ~~and~~; Greenhouse Gases, ~~and Energy Consumption Assessments~~ for the Dunn Asphalt and Concrete Batch Plant;*” “*Health Risk Assessment,*” “*Greenhouse Gas Analysis for Proposed Dunn, Inc. Project,*” *Ambient Air Quality Analysis Determination, and Authority to Construct Applications;* Appendix “B” includes “*Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project;*” Appendix “C” includes “*Phase I Survey, 7763 Avenue 280, Visalia, Tulare County, California*” (that is, archaeological, historical, cultural , and tribal cultural resources; Appendix “D” includes “*Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant;*” Appendix “E” includes “*Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant;*” Appendix “F” includes “*Traffic Impact Study Proposed Concrete and Asphalt Batch Plant;*” Appendix “G” ~~includes Agricultural Land Conversion Analysis for the Dunn Asphalt and Concrete Batch Plant;~~ Appendix “H” includes Notice of Preparation, Public Scoping Meeting, and Agency Comment Letters Received.

Chapter 4 Summary of Cumulative Impacts

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

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

- 1) The proposed Project is geographically located in Tulare County ~~and City of Kingsburg~~ and the County of Tulare is the Lead Agency; and
- 2) Tulare County General Plan ~~and City of Kingsburg~~ policies apply to the proposed Project.

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

- Air Quality and Greenhouse Gas Emissions are based on the San Joaquin Valley Air Basin;
- Biological Resources are based on the San Joaquin Valley, the state of California, and the western United States;
- Hydrology is based on the Tulare County, the Tulare Lake Basin, and, the Tule Lake Sub-basin aquifers;

- Land Use Impacts are based on the County of Tulare 2030 General Plan; and
- Mandatory Findings of Significance are based on the San Joaquin Valley, the state of California, and the western United States.

The Summary of Cumulative Impacts section discusses mitigable and immittigable 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 ~~54~~. As noted in Chapter ~~54~~, there are no Significant and Unavoidable Impacts; and Less Than Significant Impacts With Mitigation are summarized in Table ~~54-3-2~~ (Checklist Items with Less than Significant Impacts with Mitigation). There are a number of cumulative impacts that do not need mitigation; these impacts are listed in Table ~~5-44-3~~ (Checklist Items with Less Than Significant Impacts). Chapter ~~9-8~~ contains a complete list of Mitigation Measures to be implemented as part of the proposed Project. ~~Chapter 5 also contains a No Impacts summary in Table 5-5 (Checklist Items with No Impacts).~~

Chapter 5 Alternatives

CEQA Guidelines Section 15126.6 requires that a reasonable range of Alternatives to the proposed Project be discussed in the EIR. The proposed Project is the superior alternative. The conclusion contained in Chapter ~~6-5~~ is based on the criteria established for the site and the three reasonable Alternatives. The three Alternatives evaluated are:

- Alternative 1 — ~~Reduced Density (Same Footprint) No Build / No Project~~
- Alternative 2 — ~~Increased Density (Smaller Footprint) Alternative Site~~
- Alternative 3 — ~~No Build / No Project Reduced (50%) Project~~

The proposed Alternatives were analyzed based on ~~five-six (6)~~ evaluation criteria which include each of the objectives of the Project and the assessment of the potential environmental impacts. Each Alternative considered did not meet all the evaluation criteria, as identified in Table 5-1 (Alternatives Evaluation), contained in Chapter 5. The following is a summary of the advantages and disadvantages of each Alternative:

Table ES-1. Alternatives Comparison	
<u>Alternative No. 31 Advantages and Disadvantages</u>	
<u>Advantages</u>	<u>Disadvantages</u>
<u>No environmental impacts beyond baseline conditions.</u>	<u>Does not meet any project objectives or project-specific elements.</u>
<u>Alternative No. 1-2 Advantages and Disadvantages</u>	
<u>Advantages</u>	<u>Disadvantages</u>
<u>Meets most of the project objectives or project-specific elements. Slightly less impacts to air quality/GHG, noise, traffic, water use, utilities, and population/housing.</u>	<u>Environmental impacts equal to or greater than proposed project; not cost effective or operationally efficient; most complex, costly, and time-consuming of the alternatives. Lack of diversity of housing products.</u>

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

As ~~discussed-identified~~ in **Table ES-1** ~~Alternatives 1 and 2~~, each of the three (3) Alternatives do not meet all of the Project objectives or Project-specific elements. Alternative 2 could result in more adverse environmental impacts while Alternative 3 would result in reduced environmental impacts than the proposed Project as specified on the CEQA resources checklist. Therefore, the Alternative 3 proposed Project is the environmentally superior alternative. However, Alternative 3 does not meet all the all of the evaluation criteria and importantly, it would not meet the economic objectives of the Project.

Environmental impacts associated with each of the alternatives presented compared to the Preferred Alternative are shown in Chapter ~~6-5~~ Alternatives in Table ~~6-15-2~~ Impacts of Alternatives Compared to the Proposed Project. Table ~~6-25-1~~ 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-Impacts~~ - The proposed Project will not result in negative impacts to the region. It will result in increases in economic benefits to the region in the short term and long term, as the Project will result in temporary construction-related is anticipated to provide up to 20 permanent jobs. Long-term economic benefits include payment of property taxes as well as on-going income expenditures of the residents of the new housing in and around Kingsburg (such as groceries, gasoline, household items, etc.).
- Social Impacts - The proposed Project would not result in disproportionate environmental effects on minority populations, low income populations, or Native Americans. The proposed Project does not pose any adverse environmental justice issues that would require

mitigation. ~~The project would improve the availability of quality residential housing in the area.~~

- Growth Inducing Effects - The proposed Project would not result in significant growth inducing impacts. ~~The proposed Project will result in only 20 permanent jobs. The Project will not result in new housing. Growth inducing impacts will be less than significant. site is already in the Kingsburg Sphere of Influence and is planned for residential development. The growth and associated population increase is in accordance with the housing parameters set forth in the City of Kingsburg General Plan and the Tulare County General Plan in reaching their RHNA goals.~~

The overall conclusion contained in Chapter ~~7-6~~ 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 ~~87~~, 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-six (144106)~~ 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 ~~M~~itigation ~~M~~onitoring and ~~R~~eporting ~~P~~rogram is required to ensure compliance during a project's implementation. Consistent with CEQA requirements, the Mitigation Monitoring and Reporting Program contained in this EIR include the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.

- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Chapter 9 EIR Preparation

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

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

This EIR also relied on the expertise of the following:

~~Appendix “A” includes~~

Jessica Willis, Planner IV, RMA – *“Technical Memorandum Air Quality ~~and~~ Greenhouse Gases Assessments, and Energy Consumption for the Dunn Asphalt and Concrete Batch Plant;” December 10, 2019,* included in Appendix “A”.

Alta Environmental – *“Health Risk Assessment,” ~~and September 20~~ November 7, 2019; “San Joaquin Valley APCD Stationary Concrete Batch Plant Permit Application,” September 6, 2019; “San Joaquin Valley APCD Hot Mix Asphalt Plant Permit Application,” September 6, 2019; “San Joaquin Valley APCD Concrete and Asphalt Recycling Plant Permit Application,” September 6, 2019; “Ambient Air Quality Analysis Determination,” November 20, 2019; and “Greenhouse Gas Analysis for Proposed Dunn, Inc. Project,” November 21, 2019;* included in Appendix “A”.

Live Oak Associates, Inc. – *“Biological Evaluation Visalia Concrete/Asphalt Batch Plant Project;” September 20, 2018,* included in Appendix “B”.

ASM Affiliates, Inc. – *“Phase I Survey, 7763 Avenue 280, Visalia, Tulare County, California,” September 2018,* (that is, archaeological, historical, cultural, and tribal cultural resources); included in Appendix “C”.

Mason GeoScience – *“Geology and Soils Report for Proposed Concrete and Asphalt Batch Plant;” September 27, 2018,* included Appendix “D”; ~~includes~~

Mason GeoScience – *“Hydrology and Water Quality Report for Proposed Concrete and Asphalt Batch Plant;” September 27, 2018,* included in Appendix “E”; ~~includes~~

Peters Engineering Group – “Traffic Impact Study Proposed Concrete and Asphalt Batch Plant;”
September 28, 2018, included in Appendix “F”.

Attachment “6”

Chapter 4 Cumulative Impacts Affected Pages

Less than Significant Impacts with Mitigation

All impacts that can be effectively mitigated are listed in the **Table 4-2**.

Table 4-2 Checklist Items with Less Than Significant Impacts with Mitigation		
Impact Section	Checklist Item No.	Checklist Criteria
Aesthetics	3.1 a)	Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Aesthetics	3.1 b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
Aesthetics	3.1 c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
Agriculture <u>Agricultural Lands</u> and Forestry <u>Resources</u>	3.2 a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
Biology	3.4 a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game [Wildlife] or U.S. Fish and Wildlife Service?
Geology and Soils	3.7 f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
Hazards and Hazardous Materials	3.9 a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
Hazards and Hazardous Materials	3.9 b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
Noise	3. 12-13 a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Transportation	3. 16-17 a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and

Table 4-2 Checklist Items with Less Than Significant Impacts with Mitigation		
Impact Section	Checklist Item No.	Checklist Criteria
		mass transit?
Tribal Cultural Resources	3.47-18 a)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
Tribal Cultural Resources	3.47-18 b)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. <u>In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1,</u> the lead agency shall consider the significance of the resource to a California Native American Tribe?
<u>Mandatory Findings of Significance</u>	<u>3.21 a)</u>	<u>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</u>

See Chapter 9 Mitigation Monitoring and Reporting Program for a comprehensive list of Mitigation Measures to be implemented as part of the proposed Project.

Less Than Significant Impact

All impacts that are Less Than Significant are listed in **Table 4-3**.

Table 4-3 Checklist Items with Less Than Significant Impacts		
Impact Section	Checklist Item No.	Checklist Criteria
Aesthetics	3.1 d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
Agricultural Lands & Forestry	3.2 a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural uses?
Air Quality	3.3 a)	Would the project c Conflict with or obstruct implementation of the applicable air quality plan?
Air Quality	3.3 b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 4-3
Checklist Items with Less Than Significant Impacts

Impact Section	Checklist Item No.	Checklist Criteria
Air Quality	3.3 c)	Expose sensitive receptors to substantial pollutant concentrations? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?
Air Quality	3.3 d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? Expose sensitive receptors to substantial pollutant concentrations?
Air Quality	3.3 e)	Create objectionable odors affecting a substantial number of people?
Biological Resources	3.4 d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
Cultural Resources	3.5 c)	Disturb any human remains, including those interred outside of formal cemeteries?
Energy	3.6 a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
Energy	3.6 b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
Geology & Soils	3.7 a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction?
Geology & Soils	3.7 b)	Result in substantial soil erosion or the loss of topsoil?
Geology & Soils	3.7 c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
Greenhouse Gas Emissions	3.8 a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
Greenhouse Gas Emission ses	3.8 b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
Hazards & Hazardous Materials	3.9 e)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?
Hydrology & Water Quality	3.10 a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality??

Draft Environmental Impact Report
Dunn Asphalt and Concrete Batch Plant
SCH #: 2019011039

Table 4-3
Checklist Items with Less Than Significant Impacts

Impact Section	Checklist Item No.	Checklist Criteria
Hydrology & Water Quality	3.10 b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
Hydrology & Water Quality	3.9-10 c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would: i) Result in a substantial erosion or siltation on- or off-site? ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
Hydrology & Water Quality	3.9-10 e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
Land Use & Planning	3.40-11 b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
Noise	3.42-13 b)	Generation of excessive groundborne vibration or groundborne noise levels?
Public Services	3.44-15 a) Fire protection	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
<u>Recreation</u>	3.16 a)	<u>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</u>
Transportation & Traffic	3.46-17 b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
Transportation	3.46-17 d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
Transportation	3.46-17 e)	Result in inadequate emergency access?

Table 4-3
Checklist Items with Less Than Significant Impacts

Impact Section	Checklist Item No.	Checklist Criteria
Transportation	3. 46-17 f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
Utilities <u>and Service Systems</u>	3. 48-19 a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
Utilities <u>and Service Systems</u>	3. 48-19 b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
<u>Mandatory Findings of Significance</u>	<u>3.2 c)</u>	<u>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</u>

REFERENCES

Chapters 3.1 through 3.20 of this DEIR.

CEQA Guidelines, Sections 15130 (e) and 15355

Tulare County General Plan 2030 Update, Recirculated Draft Environmental Impact Report (RDEIR), February 2010

Tulare County Associated of Governments Blueprint 2050, Preferred Scenario (2009)

Attachment “7”

Chapter 7 Immitigable Impacts Affected Pages

Immitigable Impacts

Chapter 7

NO ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Under CEQA Guidelines §15126.2 (b), “[w]here there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.”¹ This analysis should include a description of any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.

The proposed Project ~~is anticipated to will not~~ result in any ~~S~~significant and ~~U~~unavoidable ~~I~~impacts ~~to the Air Quality resource~~. All ~~other~~ impacts have been found to be Less Than Significant, or have been mitigated to a level considered Less Than Significant.

Based upon the information contained in this Draft Environmental Impact Report and supporting conclusions contained in studies and/or other referenced information, it is the RMA’s conclusion that the public benefits of the Project, including benefits to greenhouse gas emission, reduction in solid waste, reduced development pressure on agriculture, and increased employment, outweigh any negligible impacts to the environment.

NO IRREVERSIBLE IMPACTS

Under CEQA Guidelines §15126.2 (c), “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code section 21100.1 and Title 14, California Code of Regulations, section 15127 for limitations to applicability of this requirement.)”²

The resources committed to the proposed Project are standard resources necessary for the construction and operation of an asphalt and concrete batch plant. Potential minimal impacts would occur during the construction-related phase and once the site is developed. As noted in applicable resource sections, the proposed Project would be required to comply with local, state, and federal permitting requirements and operational practices, including air quality and greenhouse gas emission reductions (for example, through conservation of electricity and water

¹ CEQA Guidelines, Section 15126.2 (b).

² Ibid. 15126.2 (c).

and compliance with ARB's truck regulations), the proposed Project would not result in any irreversible life-cycle costs. The proposed Project will be in compliance with the goals of the Climate Change Scoping Plan that outlines the State's GHG reductions strategy.

No STATEMENT OF OVERRIDING CONSIDERATIONS

Authority to Approve Project Despite Significant Effects

As contained in CEQA Guidelines §15043, “[a] public agency may approve a project even though the project would cause a significant effect on the environment, if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (see Section 15093)”³

When approving a project pursuant to § 15043, an agency must prepare a statement of overriding considerations. As noted in CEQA Guidelines § 15093, “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.”⁴

“When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.”⁵

“If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.”⁶

Overriding Considerations for the Proposed Project

Based on the analysis contained in this Draft EIR, there are no environmental impacts that cannot be avoided and there are no irreversible impacts; therefore, a Statement of Overriding Considerations is not necessary ~~air quality related environmental effects resulting from mobile~~

³ CEQA Guidelines, Section 15043.

⁴ Ibid. 15093 (a).

⁵ Ibid. 15093 (b).

⁶ Ibid. 15093 (c).

~~sources (heavy-duty truck travel) will remain significant and effective mitigation is not practicable or economically feasible. Tulare County concludes that there are no feasible alternatives that can reduce this potentially significant and unavoidable impact to a less than significant level.~~ Furthermore, the Project's merits and objectives are discussed in the Project Description (Chapter 2) and are found to be consistent with the intent of Tulare County General Plan 2030 Update. In addition, the Project's merits would outweigh any ~~unavoidable and immitigable~~ impacts warranting a Statement of Overriding Consideration to the environment.

Finding of No Feasible Alternatives

~~CEQA section 21061.1 defines "feasibility" as involving a balancing of various economic, environmental, social, and technological factors.~~

~~The primary purpose of the proposed Project is to establish and operate an asphalt and concrete batch plant in the County of Tulare to serve new developments and road maintenance activities within the County. This DEIR has analyzed potential impacts in accordance with CEQA standards and outlines appropriate mitigations in the instance where the proposed Project could cause potential significant impacts upon resources.~~

~~Air Quality: As noted in Chapter 3.3 Air Quality, the Project is consistent with the assumptions and emissions inventories of the applicable AQP. Consultation with the Air District, and implementation of County policies and compliance with Air District rules and regulations ensure that potential impacts from the Project's stationary source emissions do not exceed the Air District's annual thresholds of significance. However, at maximum production capacity the Project's operational (off-site) mobile source NO_x emissions would exceed the significance threshold. Mobile source emissions are under the jurisdiction of the Air Resources Board (ARB). The Applicant's fleet is compliant with current ARB truck regulations, and it is reasonable to assume that all vehicles accessing the Project site comply, and will continue to comply, with ARB regulations. As truck emissions are expected to become cleaner in the future and all heavy-duty truck fleets must have Year 2010 engine models by 2023, the Project-related NO_x emissions are also expected to decrease. As the Applicant does not have control over all heavy-duty vehicles entering the site, and other operators are also assumed to be compliant with existing regulation, the overall Project NO_x emissions would result in a **Significant and Unavoidable Cumulative Impact** to Air Quality.~~

PROJECT OBJECTIVES AND BENEFIT STATEMENTS

The Project Objectives are also presented in full in Chapter 2 of this DEIR. As noted in Chapter 2, the Applicant is pursuing a Special Use Permit (PSP 18-049) through Tulare County for the following: 1) a concrete batch plant that would produce 100,000 cubic yards (approximately 200,000 tons) of concrete per year for commercial and retail sale; 2) a hot-mix asphalt (HMA) batch plant that would produce 150,000 tons of HMA per year for commercial and retail sale; and 3) recycling of 30,000 tons per year of concrete and asphalt to be crushed into recycle base. The project benefits are described below:

Attachment “8”

Chapter 9 Report Preparation Affected Pages

David S. Whitley, Ph.D., RPA

Director/Principal Investigator

Firm Name: ASM Affiliates, Inc., Tehachapi, California

Total Years of Experience: 39

Employment History:

2009-current	Director, ASM Affiliates, Inc., Carlsbad, California
1982-2009	Owner, W & S Consultants, cultural resource management consultants
1989-2000	Instructor, Division of Social Sciences and Humanities, UCLA Extension.
1987-1989	Postdoctoral Research Fellow, Rock Art Research Unit, Archaeology Department, University of the Witwatersrand.
1983-1987	Chief Archaeologist, Institute of Archaeology, and Lecturer, Dept. of Anthropology, UCLA.

Education:

Ph.D.	1982/Anthropology/University of California, Los Angeles
M.A.	1979/Geography/University of California, Los Angeles
B.A.	1976/Anthropology and Geography/University of California, Los Angeles

Additional Training:

2011	PASSPORT certification
1998	MSHA Certification, Surface Mining

Registrations:

1979	Register of Professional Archaeologists
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Professional Memberships:

1981	American Anthropological Association
1977	Society for American Archaeology
1977	Society for California Archaeology
2010	Association of Environmental Professionals

Awards/Commendations:

2006	<i>Introduction to Rock Art Research</i> received Choice Outstanding Academic Book Award.
2004	Fulbright Senior Specialist Grant, Universidad de San Carlos, Guatemala.
2001	Thomas F. King Award for Excellence in Cultural Resource Management, Society for California Archaeology.
2000	<i>Art of the Shaman</i> (University of Utah Press) reached #4 on Amazon.com LA Best Seller list; French edition selected by U.S. State Department, African Section, as Ambassadorial Presentation volume.
1999	Listed in <i>Who's Who in America</i>
1997	Listed in <i>Who's Who among Hispanic Americans</i>
1999	Special Appreciation Award, California Indian Council.
1993	Fellow, American Anthropological Association.

1993	Special Appreciation Award, California Indian Council.
1991	Special Appreciation Award, Simi Valley Historical Society.
1989	Special Appreciation Award, Candelaria Indian Tribal Council.
1983	Golden Eagle Award, CINE Film Festival, Washington, D.C.
1983	Silver Medal, New York Film and Television Festival.
1983	Postdoctoral Research Fellowship, Association for Field Archaeology.
1976	A.B. degrees in Anthropology and Geography awarded Magna Cum Laude.
1971-1976	Honors at Entrance and College of Letters and Sciences Honors Program, UCLA.

Citizenship: USA

Languages: Spanish

References:

Mr. B. Joe Ashley, California Resources Corporation, Bakersfield, CA, (661) 301-6551

Dr. Ronald I. Dorn, Professor of Geography Arizona State University Tempe, AZ (480) 966-4245

Dr. Kelley Hays-Gilpin, Associate Professor, Department of Anthropology, Northern Arizona University, (520) 523-6564

Professional Profile:

Dr. Whitley specializes in the prehistoric archaeology and ethnography of far western North America, with particular interests in sacred sites, rock art, chronometrics and cultural heritage management. He has also worked in southern Africa, the European Upper Paleolithic and Guatemala. His professional publications include 17 books/monographs and approximately 100 articles and chapters. Included among his recent books are *The Rock Art of California* (University of Utah Press, 2000), the edited volume *Handbook of Rock Art Research* (AltaMira Press, 2001), and *Introduction to Rock Art Research* (Left Coast Press, 2005, second edition 2011), which received a *Choice* Outstanding Academic Book Award for 2006. His latest book is *Cave Paintings and the Human Spirit: The Origin of Creativity and Belief* (Prometheus Books, 2009). His publications have been translated into 5 languages beyond English.

Dr. Whitley has written nominations for 460 sites that are now listed on the National Register of Historic Places (NRHP), and the 100 site Carrizo Plain Archaeological National Historic Landmark (NHL) district, approved in 2012. For a decade he served on the Council of Directors of the ICOMOS International Rock Art Committee, and has served as the Secretary of the International Union of Prehistoric and Protohistoric Sciences (IUPPS) Prehistoric Art Committee. In 2001 he received the Thomas King Award from the Society for California Archaeology for Excellence in Cultural Resource Management.

Research Specializations

Hunter-gatherer ethnography, ethnohistory & archaeology
 Religion and art
 Culture and cognition/ Evolutionary psychology
 Western North America, southern Africa, Mesoamerica
 Method, theory and philosophy of science

Selected Project Experience:

Cultural Resource Studies, Hungry Valley State Vehicular Recreation Area, Gorman, California
CLIENT: California State Parks

Directed the survey of 845-acres and the field assessment of 135 previously recorded sites within the 18,000-acres Hungry Valley SVRA, especially with respect to OHV damage. Responsible for client coordination, field assessment methodology and analysis and final report, including management recommendations.

Cultural Resources Inventory of 33,095 Acres and Rock Art Analysis in the Pahroc Rock Art, Mt. Irish, and Shooting Gallery Areas of Critical Environmental Concern Lincoln County, Nevada

Client: Bureau of Land Management, Caliente Field Office, NV

Co-Principal Investigator for Class III inventory and rock art documentation and analysis in Pahrnagat Valley region. Responsible for organizing and directing rock art documentation and analysis, completed using digital recording technology.

Muroc School Renovation Project, Edwards AFB, Kern County, California

Client: Muroc Joint Unified School District

Directed an archaeological survey of a 100-acres campus containing 4 schools and coordinated with architectural historians on the documentation and recording of over 50 buildings, for NHPA Section 106 compliance. Responsible for completing the final report, including recommended determination of effects. Conducted SHPO and tribal consultation for and under delegated authority by the Muroc JUSD.

Phase I Survey of 1,000-acres and 5-mile Tie-Line for the Alamo Springs Solar Project, Kern and Kings Counties, California

CLIENT: Ecology and Environment, Inc.

Responsible for directing a Phase I survey/Class III inventory for a proposed 100-acres solar project on the Kettleman Plain. Managed the survey, report writing, management recommendations and client coordination.

Rock Art Damage Assessment, Fort Hunter-Liggett, Monterey County, California

CLIENT: Colorado State University

Directed the documentation of two pictographs and an associated midden site, and assessed damages resulting from small-arms fire to these sites. Completed the final report, including mitigation measures and managements recommendations.

Phase I Survey of Approximately 480 Acres in the Mojave Desert for the Apollo Solar Projects, Kern County, CA Project Manager

CLIENT: Quad Knopf, Inc.

Responsible for an intensive Phase I cultural resources survey for a proposed 480-acre solar project. Managed the survey, recommendation of eligibility, client coordination, and prepared the final report which included management and mitigation recommendations.

Phase I Survey of Approximately 266 Acres & Phase II Significance Evaluations for 10 Historic Sites in the Mojave Desert for the Inyokern Solar Project, Kern County, CA Project Manager

CLIENT: Quad Knopf, Inc.

Responsible for an intensive Phase I survey and Phase II determination of eligibility for a proposed 266-acre solar project. Managed the survey and determinations of significance, client coordination, and prepared the final report, which included management and mitigation recommendations.

Class III Inventory of a Linear Project Area for Perdito Mine Road Construction, Inyo County, CA Project Manager

CLIENT: Silver Standard Resources, Inc.

Responsible for an intensive Class III inventory for a proposed 160-acre mining project. Managed the survey, client coordination, and prepared the final report, which included management and mitigation recommendations.

Phase I Survey and Phase II Test Excavations, Tejon Grapevine Study Area, Kern County, CA Project Manager

CLIENT: Tejon Ranchcorp

Coordinated Phase I archaeological survey of 15,315 acres and determinations of significance/test excavations for 19 sites for CEQA compliance, including crew assignment and scheduling, coordination of paleontological studies, consultation with agency personnel, and preparation of draft and final reports.

Henrietta Solar Project, Lemoore, Kings County, CA**Project Manager****CLIENT: Ecology and Environment, Inc.**

Coordinated Phase I survey/Class III inventory and monitoring for 800-acres solar project involving Native American tribal outreach, preparation of a Cultural Resources Mitigation Monitoring Reporting Program (MMRP) and Worker Environmental Awareness Program (WEAP) training, and construction monitoring, including crew assignment and scheduling, consultation with agency personnel, and preparation of draft and final reports.

Rio Lobo 3D Geophysical Survey, Kings and Fresno counties, CA**Project Manager****CLIENT: California Resources Corporation**

Coordinated Class III cultural resources inventory and paleontological survey of 115 linear miles of geophysical transects in the North Dome Oil Field for NHPA compliance, including crew assignment and scheduling, consultation with agency and applicant personnel, and preparation of draft and final reports.

Class III Inventories and NRHP Eligibility Evaluations, Kern County, CA**Project Manager****CLIENT: Occidental of Elk Hills, Inc./Vintage Production California/California Resources Corporation**

Coordinated on-call contracts involving Class III large-scale block surveys for NHPA compliance and NRHP eligibility evaluations, including crew assignment and scheduling, consultation with agency personnel, and preparation of draft and final reports.

California Valley Solar Ranch Phase II Test Excavation and Construction Monitoring, San Luis Obispo County, CA**Project Manager****CLIENT: Ecology and Environment, Inc.**

Coordinated a contract involving a Phase II test excavation for CEQA and NHPA compliance, preparation of a Cultural Resources Mitigation Monitoring Reporting Program (MMRP) and Worker Environmental Awareness Program (WEAP) training, and construction monitoring, including crew assignment and scheduling, consultation with agency personnel, and preparation of draft and final reports.

Kern River Pipeline Mountain Pass Class III Inventory, San Bernardino County, CA**Project Manager****CLIENT: Ecology and Environment, Inc.**

Coordinated a contract involving an inventory of an 8.65-mile lateral ROW and 24.5 miles of access roads, including crew assignment and scheduling, consultation with BLM and MolyCorp Mine personnel, and preparation of draft and final reports.

Coso NHL Management Plan, NAVFAC Southwest, Inyo County, CA**Co-Principal Investigator and Report Co-Author****CLIENT: NAWS China Lake**

Prepared a management plan for the Coso NHL district, a 57-square-mile area containing the largest concentration of petroglyph sites in North America. This has involved coordination with stakeholders, including Native American tribes, development of management and conservation protocols, and identification and prioritization of future preservation tasks for the only rock art NHL situated west of the Rockies.

SDG&E On-Call Cultural Resource Studies and Sunrise Powerlink Archaeological Monitoring, San Diego County, CA
Project Manager

CLIENT: SDG&E and Burns and McDonnell Engineering

Coordinated a contract to provide archaeological services for powerline installation and maintenance projects involving 37 site evaluations for NRHP/CRHR eligibility and archaeological monitoring for the construction of the 118-mile-long Sunrise Powerlink transmission line from Imperial County to the coast in San Diego. Oversaw project coordination, assignment and scheduling of personnel, preparation of technical reports and Historic Properties Treatment Plan, and provided technical expertise in prehistory and Federal compliance.

Draft Environmental Impact Statement for the Marine Corps' MAGTF Land Expansion, San Bernardino County, CA

Co-Principal investigator and Co-Author

CLIENT: TEC Inc.

Prepared a cultural resources sections of a NEPA draft EIS for a proposed 150,000-acre land expansion.

Tejon Mountain Village Project, Kern and Los Angeles counties, CA

Principal Investigator and Report Author

CLIENT: DMB Pacific Ventures for Tejon Mountain Village LLC

Completed a Phase I survey of 28,000 acres and Phase II testing of 37 prehistoric and 3 historic sites, for CEQA and NHPA Section 106 compliance.

Archaeological Assessment of CA-INY-434 and -7117, Inyo County, CA

Principal Investigator and Field Director

CLIENT: Epsilon Systems Solutions

Prepared a condition assessments of petroglyph sites CA-INY-434 and -7117, involving site documentation and mapping, evaluation of current conditions and identification of natural and cultural impacts to the sites, and management recommendations for long-term preservation.

Riverwalk Marketplace Survey, Tulare County, CA

Principal Investigator and Field Director

CLIENT: Impact Sciences

Conducted a Phase I archaeological survey of 22 acres.

Vista Canyon Survey and Test Excavation, Los Angeles County, CA

Principal Investigator

CLIENT: Impact Sciences

Completed a Phase I survey and Phase II test excavations and determination of significance on a prehistoric archaeological site within the 200-acre Vista Canyon project area.

Rosamond Space-Port Survey, Kern County, CA

Principal Investigator and Field Director

CLIENT: United Engineering Group

Completed a Phase I archaeological survey of 546 acres, resulting in the identification and recording of nine sites.

Centennial Project Survey and Testing, Los Angeles County, CA

Principal Investigator

CLIENT: Centennial Partners, LLC.

Conducted a Phase I survey of 16,000 acres and Phase II testing of 22 prehistoric sites for CEQA compliance.

Clipper Windpower Class III Inventory, San Bernardino County, CA

Principal Investigator and Field Director

CLIENT: Clipper Windpower, Inc.

Completed a Class III inventory of seven anemometer pads and access roads.

Boeing Corporation Santa Susana Field Lab Projects, Los Angeles County, CA

Principal Investigator and Field Director

CLIENT: MWH Americas, Inc.

Conducted six Class III inventories/Phase I surveys required for maintenance, hazardous waste clean-up and other activities on the Santa Susana Field Lab; and evaluation and preliminary condition assessment for NRHP-listed rock art site, CA-LAN-1072 (Burro Flats).

Carrizo Plain National Monument Projects, San Luis Obispo and Kern counties, CA

Principal Investigator and Field Director

CLIENT: Carrizo Plain National Monument/BLM Bakersfield Field Office

Conducted six projects/contracts, consisting of NHPA Class II and III inventories of over 14,400 acres for Section 110 compliance; documentation and condition assessment of the Saucito pictograph site; NRHP nomination and listing, at national level of significance, of a 24-site archeological district, for Section 106 compliance. Prepared an NHL nomination of an 89-site district for Section 106 compliance.

Agua Dulce Airfield Survey, Los Angeles County, CA

Principal Investigator and Report Author

CLIENT: Impact Sciences

Completed a Phase I archaeological survey of 150 acres.

St. John's Seminary Testing, Ventura County, CA

Principal Investigator and Report Author

CLIENT: Impact Sciences

Completed a Phase II test excavation and determination of significance of a prehistoric site within the St. John's Seminary.

Terrace at Hidden Hills Survey, Los Angeles County, CA

Principal Investigator and Report Author

CLIENT: Impact Sciences, Hidden Hills

Completed a Phase I archaeological survey of 26 acres.

Phase I Archaeological Survey of the KRLA Radio Station, Los Angeles County, CA

Principal Investigator and Report Author

CLIENT: Impact Sciences

Conducted a Phase I survey of the 73-acre KRLA AM radio station broadcast facility located on Buzzard Peak.

Dead End Canyon Site Assessment, Inyo County, CA

Principal Investigator, Field Director, and Report Author

CLIENT: Epsilon Systems Solutions

Conducted a petroglyph site condition assessment, and an NRHP evaluation of a large village site for Section 106 compliance, involving surface collection and mapping of house pits.

East Area 1 Survey and Testing, Ventura County, CA

Principal Investigator, Field Director, and Report Author

CLIENT: Parkstone Companies

Completed a Phase I archaeological survey and a Phase II test excavation and determination of significance at four historical sites on the 500-acre Teague-McKevett Ranch, part of the Limoneira Company holdings.

Professional Appointments

-
- 2012- Senior Research Fellow, Rock Art Research Institute, University of the Witwatersrand, Johannesburg.
 - 2007 – Secretary, Prehistoric Committee, International Union of Prehistoric and Protohistoric Sciences (IUPPS).
 - 2006-2012 Advisory Board, Institute of Cognition and Culture, Queen's University, Belfast.
 - 2003- Adjunct Professor, School of Geographical Sciences, Arizona State University.
 - 2002-2009 Series Editor, AltaMira Press, Archaeology of Religion.
 - 1996-2008 Chair/Organizer, Society for American Archaeology, Rock Art Interest Group.
 - 1996-2009 Chauvet Cave Research Advisory Committee, Ministère de la Culture, France.
 - 1996-2009 Archaeological & Anthropological Advisor, Ventura County Cultural Heritage Board.
 - 1992-2004 United States Representative, International Council on Monuments and Sites (ICOMOS), Comité International d'Art Rupestre (CAR), Council of Directors, 1997-2004.
 - 1986-1987 Prehistoric Archaeologist, State of California Historical Resources Commission.

Editorial Advisory Boards:

Time and Mind: Journal of Archaeology, Consciousness and Culture

Heritage & Society (formerly Heritage Management)

California Archaeology

American Archaeology Magazine (2008-2011)

Australian Archaeology

Publications - Books:

- 2011 *Introduction to Rock Art Research*, second revised edition. Walnut Creek: Left Coast Press, Inc.
 - 2009 *Cave Paintings and the Human Spirit: The Origin of Creativity and Belief*. New York: Prometheus Books.
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Teaching Experience:

North American Prehistory
Eastern Mesoamerica (Maya sphere)
California Prehistory
Archaeological Field Training

North American Ethnography
Western Mesoamerica (Aztec sphere)
California Ethnography
World Rock Art

- 1989-2005 Instructor, Division of Social Sciences and Humanities, University of California, Los Angeles Extension
- 1987-1989 Post-doctoral Fellow, University of the Witwatersrand, South Africa
- 1983-1987 Chief Archaeologist/ Lecturer, University of California, Los Angeles

Film & Recording Credits:

- 2006 Archaeological consultant, "A Light in the Darkness" feature film, Bearsmouth Productions.
- 1998 Executive producer, Giant Records artist Chris Ward, "Angels Fly" CD.
- 1997-8 Archaeological consultant, "Visions on Stone" video, Maturango Museum.
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- 1992 Executive producer, Giant Records artist Chris Ward, "Faith 'Aint Faith" CD.
- 1991-2 Anthropological consultant, "Blackfeather/Mystic" TV pilot, Hearst Entertainment/CBS.
- 1986 Senior script writer, "Invitation to Adventure", Institute of Archaeology, UCLA.
- 1986 Archaeological consultant, "Vibes" Columbia Pictures feature film.
- 1982 Script writer, "Rock Art Treasures of Ancient America", Dave Caldwell Productions.
- 1982 Script consultant, "Rock Art from the Mountains of Fire", RUJAC Productions.

Photo Awards & Credits:

Awards: Director's Award; 2nd Place, Action Photography; 3rd Place, Photo Journalism, Ventura County Fair, 2006.

Photo spreads: *California High School Rodeo Magazine* (various issues, 2005-6).
American Archaeology Magazine 1(3), Fall 1997, pp. 19-23.
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Cover photos: *Mind in Many Places* (Ralph Allison, 1999).
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Professional Manuscript Reviews:

<i>Antiquity</i>	<i>American Antiquity</i>
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<i>Journal of California Archaeology</i>	<i>Australian Archaeology</i>
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Research Proposal Reviews:

National Science Centre, Poland
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Chilean National Science and Technology Commission (FONDECYT)
John Simon Guggenheim Foundation
National Endowment for the Humanities
National Geographic Society
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LSB Leakey Foundation
Association for Field Archaeology
Lawrence Livermore Laboratory – University of California Program
National Park Service, National Center for Preservation Technology & Training
South African National Research Foundation
McDonald Institute for Archaeological Research, Cambridge University, England
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- B.S. Biology with an emphasis in ecology, California State University, Fresno, CA 2002

AREAS OF EXPERTISE

Wildlife/habitat relationships, fairy shrimp and tadpole shrimp surveys, threatened and endangered species, and compliance with CEQA, NEPA, FESA, CESA, and CWA

PROFESSIONAL EXPERIENCE

- Live Oak Associates, Inc., Oakhurst, CA. Staff Ecologist / Director, 2003-present.
- California Department of Fish and Game. Scientific Aide, 2001-2003
- Sierra Research Laboratories. Laboratory Technician III, 1997-1999

PROFESSIONAL TRAINING AND CERTIFICATIONS

- Federal 10(a)(1)(A) Vernal Pool Branchiopod Recovery Permit TE108683-2
- NEPA Overview and Refresher, UC Davis Extension, May 2013
- Blunt-Nosed Leopard Lizard Workshop and Training, May 2009
- Arid West Supplement Workshop, Wetland Training Institute, April 2007
- Advanced CEQA Course, UC Davis Extension, November 2006
- 38-Hour Wetland Delineation & Management Training, USACE, October 2005
- Bat Ecology and Field Techniques, September 2005
- Introduction to the Fairy Shrimp, Tadpole Shrimp and Clam Shrimp, C. Rogers, May 2005
- California Anostraca and Notostraca Identification Class, M. Belk, August 2004
- Endangered Species Regulation and Policy, UC Davis Extension, February 2004
- CEQA: A Step by Step Approach, UC Davis Extension, October 2003
- Identification of Fresh Water Fish, California Department of Fish and Game, August 2001
- Identification and Ecology of Sensitive Amphibians and Reptiles of the Central and Southern Sierra Nevada, The Wildlife Society, June 2001

QUALIFICATIONS

Mr. Pearson has more than 16 years of experience working as a biological consultant, and more than 21 years' experience working in the biological sciences. He has been managing projects for the last 13 years and serving as LOA's Director of Ecological Services for the last 12 years. He oversees projects for LOA's Oakhurst office, providing consulting services to a variety of clients including local agencies, planning firms, attorneys, private landowners, and developers. His areas of expertise include the following:

- **Preparation of CEQA/NEPA Documents.** Mr. Pearson has supervised the preparation of over 200 biological evaluation reports in support of CEQA and NEPA review.
- **Special Status Species Surveys.** Mr. Pearson has designed, conducted, and managed surveys for special status species including CTS, listed vernal pool crustaceans, valley elderberry longhorn beetle, western pond turtle, blunt-nosed leopard lizard, burrowing owl, Swainson's hawk, and San Joaquin kit fox.
- **Endangered Species Consultations.** Mr. Pearson routinely prepares supporting material for Section 7 consultations with the USFWS, and obtains requisite take authorizations.
- **Wetland Permit Assistance.** Mr. Pearson has assisted a number of clients in obtaining permits from the USACE, CDFW, and RWQCB for impacts to jurisdictional waters. He has also prepared mitigation plans for enhancing existing wetland values and/or providing replacement habitat.


JEFF GURULE
Senior Project Manager and Ecologist
EDUCATION

- B.A. Environmental Science, University of California, Berkeley, CA. 1988.
- CLAD Multiple Subject Teaching Credential with a Supplemental in Science, National University, Fresno, CA. 2002.

AREAS OF EXPERTISE

Avian ecology, wetland and vernal pool ecology, botany, entomology, CEQA and NEPA compliance, and Clean Water Act (CWA) and Endangered Species Act (ESA) compliance.

PROFESSIONAL EXPERIENCE

- Live Oak Associates, Inc., Oakhurst, CA. Wildlife/Plant/Wetlands Biologist, 2005 to Present
- Herschy Environmental, Inc., Oakhurst, CA. Supervising Field Technician, 2004 to 2005
- Raymond School, Raymond, CA. Elementary School Teacher, 2002
- Ocean Song Farm and Wilderness Center, Occidental, CA. Naturalist, 1992 to 1994
- City of Oakland, Oakland, CA. Science Education Specialist, 1990 to 1991
- University of California Berkeley. Research Assistant, Endangered Animal Species, 1989
- University of California Berkeley. Research Assistant, Avian/habitat relationships, 1988
- University of California Berkeley. Research Assistant, Comparative Avian Biology, 1987

PROFESSIONAL TRAINING

- Swainson's Hawks in California's Central Valley: Status - Life History – Identification - Survey Methodology - Risk Assessment – Conservation – Protection, Michael Bradbury, Swainson's Hawk Technical Advisory Committee, April 12, 2012
- Rare Pond Species Survey Techniques Workshop, The Wildlife Project & Laguna de Rosa Foundation, Rohnert Park, CA. March 27, 2010
- Arid West Supplement, Wetland Training Institute, April 14, 2007
- Identification and Ecology of the Fairy Shrimp and Tadpole Shrimp of California, Oregon, and Washington, Christopher Rogers, December 12-14, 2006
- Advanced CEQA Course, U.C. Davis Extension, November 29-30, 2006
- Wetland Delineation Training Course, Wetlands Training Institute, March 27-31, 2006
- CEQA: A Step by Step Approach, U.C. Davis Extension, December 2, 2005

VALID PERMITS

- Federal 10(a)(1)(A) Recovery Permit #TE168924-2, valid 7/27/2017 - 7/26/2022, for listed vernal pool branchiopods
- California Department of Fish and Wildlife Scientific Collecting Permit #SC-9159, valid 12/1/2017 - 12/1/2020

QUALIFICATIONS

As a staff ecologist and senior project manager for LOA, Mr. Gurule has provided consulting services for biological resources in California for 15 years. During that time he has managed numerous projects throughout Central California that have included:

Preparation of CEQA/NEPA Documents: Mr. Gurule has prepared biological resources technical reports in support of CEQA and NEPA for numerous projects in the Central California in which he has evaluated habitat for special status species, analyzed potential project impacts to sensitive or protected biological resources, and developed appropriate mitigation measures consistent with the biological resource requirements of CEQA and NEPA. He has also prepared formal responses to agency and public comments received during CEQA and NEPA review.

Special Status Species Surveys: Mr. Gurule has conducted many special status species surveys for both plants and animals. Surveys have followed agency approved protocols, when available and needed, or have been conducted in such a manner as to accurately assess the distribution of

the species within the survey area. Specifically, he has lead or participated in surveys for valley elderberry longhorn beetle; vernal pool branchiopod wet- and dry-season surveys; California tiger salamander breeding (vernal pool seining, under a permitted biologist); blunt-nosed leopard lizard surveys as a Level II surveyor; nesting migratory bird and raptor surveys; burrowing owl surveys; Swainson's hawk surveys; spotted owl surveys; tricolored blackbird surveys; live trapping surveys for salt-marsh harvest mouse and many other small mammals; riparian brush rabbit, riparian wood rat, Nelson's (San Joaquin) antelope squirrel daytime surveys; and spotlight surveys and motion activated camera trapping for San Joaquin kit fox, American badger, and fisher (West Coast DPS).

Wildlife Management: In addition to conducting the above special status species surveys, Mr. Gurule also conducts various wildlife management activities including small mammal burrow excavation, CTS exclusion fence monitoring and maintenance, and burrowing owl passive relocation.

Botanical Management: Mr. Gurule successfully relocated a rare plant species (*Pseudobahia bahiifolia*) in an experimental project in Fresno County that was part of the mitigation requirements for project impacts to this species.

Endangered Species Consultations. Mr. Gurule has prepared supporting material for section 7(a) consultations with the U.S. Fish and Wildlife Service. He has collected data for listed species within project areas, analyzed project impacts, development mitigation plans, and has been the primary contact with the resource agencies during the process.

Monitoring: Mr. Gurule manages vernal pool and upland habitat monitoring for both the Kennedy Table Conservation Bank and Drayer Conservation Bank. Vernal pool species specifically monitored are succulent owl's clover, San Joaquin Valley Orcutt grass, Greene's tuctoria, Bogg's Lake hedge hyssop, vernal pool fairy shrimp, vernal pool tadpole shrimp, and California tiger salamander. Mr. Gurule has also monitored construction activities for a number of projects involving numerous special status species (see above) to ensure compliance with project approvals and permits from various agencies. He currently serves as a Designated Biologist (CDFW) and Approved Biologist (USFWS) for UC Merced's Campus and Community North Project and two other projects that cover CTS.

Delineations of Jurisdictional Waters: Mr. Gurule has assisted many clients with obtaining a Preliminary Jurisdictional Determination or Approved Jurisdictional Determination by delineating the boundaries of jurisdictional waters and preparing the requisite report and map to be submitted to the U.S. Army Corps of Engineers.

Wetland Permit Assistance. Mr. Gurule has assisted clients in securing a number of U.S. Army Corps of Engineers, California Regional Water Quality Control Board, and California Department of Fish and Game permits for filling wetlands and other jurisdictional waters. He has also prepared mitigation plans for enhancing existing wetland values and/or providing replacement habitat, which are frequently required by these permits.

Frederick A. Mason, PG, CEG, CHG

PROFILE

Solid background in Environmental Geology, Hydrogeology, and Engineering Geology. Experienced in client and regulatory agency correspondence. Managed large and small projects from start to finish. Ambitious, confident, responsible, persistent, team player.

CAREER HISTORY

Mason Geoscience, Woodlake, CA Principal Engineering Geologist	May 2017 - Present
4Creeks Inc., Visalia, CA Engineering Geologist	September 2015 - May 2017
Regional Water Quality Control Board - Region 5 Fresno, CA Engineering Geologist	June 2015 - September 2015
4Creeks Inc., Visalia, CA Senior Geologist	January 2014 - June 2015
Mason Geologic, Visalia, CA Principal Geologist	August 2009 - January 2014
Consolidated Testing Laboratories, Inc., Porterville, CA Project Geologist	October 2003 - August 2009

EDUCATION

California State University, Fresno - Fresno, California Bachelor of Science Degree in Geology	August, 2003
Missouri University of Science and Technology - Rolla, Missouri Certificate in Geotechnics	June, 2017

LICENSURE/CERTIFICATION

- California Professional Geologist #8442 - Exp. October 2021
- California Certified Engineering Geologist #2660 - Exp. October 2021
- California Certified Hydrogeologist #996 - Exp. October 2021
- California Licensed Well Driller #992017
- Certified Environmental Sampler #0417
- Certified CQA Geosynthetic Materials and Compacted Clay Liner Inspector #612-06
- HAZWOPER 40-Hour Training

PROFESSIONAL DEVELOPMENT

- December 2006 - Due Diligence at Dawn, "Gearing up for the Next Phase: Vapor Intrusion Risk and Due Diligence Challenges in the Real World".
- January 2008 - The 2008 Nielsen North American Environmental Field Conference and Exposition.
- May 2008 - Princeton Groundwater, Inc. - Completion of "The Remediation Course".
- February 2010 - Groundwater Resources Association Webcast- "Boring Logs: What's Important and What's Not - A Scientific Perspective".
- August 2012 - Nielsen Environmental Field School International Certification for Environmental Samplers & Specialists.
- April 2016 - TRI Environmental / I-Corp International Liner Survey Integrity Training Course

PROJECT MANAGEMENT EXPERIENCE

- Permitting with various city, county, and state agencies.
- Managed subconsultants.
- Preparation of requests for proposals, subcontractor selection, scheduling, and field oversight.
- Cost estimates and proposals.
- Client and regulatory agency meetings.

WORK EXPERIENCE

Correspondence with clients, local, and state agencies including: County Division of Environmental Health Services, Regional Water Quality Control Boards, Department of Toxic Substances Control, Air Pollution Control Districts, Department of Fish and Game, and Water Conservation Districts.

Confined Animals and Agriculture

- Prepare annual dairy monitoring reports.
- Prepare dairy monitoring well installation and sampling plans.
- Prepare dairy monitoring well installation completion reports.
- Field Geologist in charge of monitoring well design and installation.
- Certified Construction Quality Assurance Officer for dairy pond synthetic liner installation.
- Electrical Leak Location testing on full geosynthetic lined ponds.
- Industry expert participating in geosynthetic lined dairy pond leak research via geophysical testing, evaporation/seepage, and document preparation to assist Central Valley Dairy Representative Monitoring Program.

Environmental Geology

- Underground storage tank investigations including vapor extraction, air sparge, and groundwater monitoring well installations, soil vapor assessments, and exploration borings.
- Managed fieldwork and report preparation for Phase I and Phase II Environmental Site Assessments throughout California, Nevada, Oregon, Washington, Utah, Louisiana, Pennsylvania, and Maryland.
- Extensive report preparation including UST monitoring well workplans, UST well completion reports, UST quarterly reports, UST remedial action plans, geologic cross sections, water table and potentiometric maps, isoconcentration maps, vadose zone and groundwater contaminant plume modeling, stiff diagrams, piper diagrams, and various other water quality graphs and charts.
- Extensive background working with wire-line, direct push, hollow stem auger, air rotary, and mud

rotary drilling rigs.

- Fieldwork including dairy, UST, and Phase II ESAs. Sampling groundwater, soil (EPA Method 5035), and soil vapor (TO-15). Logging soil and bedrock, monitoring well development and sampling, water supply well installations.
- Understanding of RCRA, CERCLA, Region 9 PRGs, MCLs, California PHGs, Region 2 CHHSLs, California Code of Regulations, and the UST Cleanup Fund.

Engineering Geology

- Naturally occurring asbestos studies.
- Fieldwork for residential and commercial foundation investigations involving laboratory testing including Atterberg Limits, sieve analysis, consolidation, direct shear, expansion index, R-values, hydraulic conductivity, slope stability analysis, and compaction testing.
- Logging experience includes rock core with rock quality designation (RQD), soil and/or rock classification for test pits and foundation studies.
- Field mapping for mining and residential construction in western metamorphic belt rocks.
- Classify and log soil and rock for residential and commercial structures under USCS and URCS.
- Classify and log rock core including Rock Quality Designation.
- Prepare and design dairy digester impoundments.
- Construction Quality Control and Assurance of soil subgrade.
- Slope stability analysis.
- Test pit logging for structural foundations.
- Septic system percolation testing

Hydrogeology

- Prepared work plans and conduct oversight of monitoring well design and installation.
- Prepared Monitoring Well Installation and Sampling Plans and Monitoring Well Installation Completion Reports.
- Lead and oversight of Tule Basin Groundwater Assessment Report.
- Surface water recharge.
- Groundwater sustainability.
- Litigation team for groundwater aquifer testing for levee damage due to Hurricane Katrina.

ACADEMIC EXPERIENCE

Specific Hydrogeology Coursework Including: Groundwater movement; heat transport; solute transport; transport equations; modeling transport; fundamental and advanced concepts of remediation hydrogeology; site characterization and monitoring for effective and verified remediation of contaminated sites; traditional characterization and monitoring of dissolved contaminant plumes; advanced concepts of fate and transport of dissolved contaminants; natural attenuation; remediation design; NAPL migration in porous and fractured rock; field methods to determine remediation design; pumping tests; slug tests; numerical models to determine remediation design hydraulic parameters.

Specific Geotechnical and Engineering Geology Coursework Including: Soil mechanics; flow of water through soil; composition, particle size, and phase relations; stresses in the ground and Mohr Circle; mechanics of stress, strain, and strength; rock core logging and analysis of discontinuities; mapping rock masses and stereo analysis of discontinuities; open pit mine slope stability; field description of soils - USCS and USDA; soil property calculations; slope stability calculations; seismic refraction; geotechnical construction practice.

Specific Oil and Gas Coursework Including: Base maps and well histories using DOMS mapping system for DOGGR; mud log and electric log review and interpretation; correlating well logs in PETRA; stratigraphic cross-sections and structural cross-sections; structure maps and isopach maps; cores and well cuttings; seismic prospecting; drilling rig components; reservoir depositional environments; traps; seismic reflection and structural interpretation; and, interpretation of downhole lithology based on physical observations and geophysical measurements.

PROJECT SUMMARIES

Geotechnical Fieldwork - Field Geologist working with Geotechnical Engineer conducting geotechnical investigations for residential and commercial properties. Duties included leading drilling crew for soil logging, sampling, and collection. Data from field investigations and laboratory tests included in Geotechnical Soils Reports for foundation investigations and grading plans. Field investigations throughout the Sierra Foothills included geologic mapping of bedrock for mining and naturally occurring asbestos studies. Multiple dairy sites conducting soils investigations including slope stability analysis. Construction Quality Assurance Officer in charge of grading approval for dairy digester and dairy pond projects.

Hydrogeologic Investigations, Multiple Dairy Sites Throughout the Central Valley, California - Collected groundwater data from Department of Water Resources groundwater wells and created models of estimated depth, flow direction, and seepage velocity of groundwater to aid in wastewater lagoon design and construction.

Monitoring Well Networks, Multiple Dairy Sites Throughout the Central Valley, California - Design and implement installation of monitoring well networks at multiple dairy sites throughout the Central Valley. Worked with Central Valley Regional Water Quality Control Board during design and installation activities.

Hydrogeologic Investigations, Multiple Monitoring Well Installations Throughout Tulare County, California - Project Geologist managing fieldwork for installation of multiple monitoring wells for Kaweah Delta Water Conservation District. Monitoring well installations up to 890 feet deep including geophysical investigations of the Corcoran Clay members within the Tulare Formation.

Semi-Annual Dairy Monitoring Reports, Multiple Dairy Sites Throughout the Central Valley, California - Senior reviewer of groundwater monitoring reports for multiple dairies throughout the Central Valley.

Irrigated Lands Regulatory Program: Central Valley, California - Prepare and co-sign Sediment Discharge and Erosion Assessment Report and Groundwater Assessment Report for Tule Basin Water Quality Coalition.

Phase II Environmental Site Assessments, Multiple Commercial Sites Throughout the United States - Project Geologist completing multiple Phase II ESAs throughout California, Oregon, Washington, Nevada, Utah, Pennsylvania, Ohio, and Maryland. Sites ranged from single dry cleaner operations to multiple city blocks. Collected soil, soil vapor, and groundwater samples from exploratory borings and temporary monitoring wells. Oversight of drill crew and field project management.

Underground Storage Tank Investigations, Multiple Sites throughout Tulare and Fresno Counties, California - Project Manager in charge of two technical staff and 13 underground storage tank remediation sites.

RCRA Soil Lead Remediation Project: Visalia, California - Project Geologist completed risk analysis for human exposure to lead and conceptual site model of soil lead concentrations at a 10-acre site formerly

used as a battery manufacturing plant. Assisted in developing field screening methods and cleanup of lead contaminated soil at the site.

Hurricane Katrina Pumping Test Litigation Project: New Orleans, Louisiana - Field Geologist assisting litigation team in pumping tests along the Inner Harbor Navigation Canal in the Lower Ninth Ward.

Central Valley Regional Water Quality Control Board Engineering Geologist, Fresno and Madera Counties, California - Conducted inspection of Central Valley dairies to ensure compliance with California Regional Water Quality Control Board Central Valley Region Order R5-2013-0122; Reissued Waste Discharge Requirements General Order for Milk Cow Dairies.

Dairy Pond Liner Installation and Construction Quality Assurance Officer: Central Valley, California - CQA Officer for multiple dairy digester projects responsible for oversight and approval of earthwork mass and finish grading and liner construction quality assurance.

Project Geologist for Dairy Lagoon Liner Electrical Leak Location Services for CVDRMP: Central Valley, California – Project Geologist for electrical leak location on geosynthetic dairy pond liners. Received training and refined field testing parameters and application of electrical leak location to find damage in double and single liner systems.



FRED MASON, PG, CEG, CHG
PRINCIPAL GEOLOGIST

Mr. Mason's wide-ranging experience includes work in Environmental Geology, Hydrogeology, and Engineering Geology. He has worked on numerous environmental projects including Phase I and Phase II Environmental Site Assessments for liability protection and sites requiring assessment and remediation of petroleum hydrocarbons, metals, chlorinated solvents, salts, nitrates, and naturally occurring compounds.

His hydrology and hydrogeology background includes drinking water and monitoring well installations, aquifer testing, groundwater remediation, resource management and sustainability, modeling, monitoring, and recharge assessments.

His geotechnical and engineering geology background includes studies in landslide investigations, soil and rock slope stability assessments, foundation investigations, soil and rock classification, field mapping, geotechnical construction quality control and assurance, and geosynthetic design and construction.

He has significant experience working with project stakeholders ranging from private individuals and companies to city, county, and state regulatory agencies.

SUMMARY

Technical Expertise:

- Geosynthetic Construction Quality Assurance
- Geosynthetic Electrical Leak Testing
- Phase I Environmental Site Assessments
- Phase II Environmental Site Assessments
- UST Investigations
- Chlorinated Solvent Investigations
- Nitrate and Metals Investigations
- Soil Vapor Surveys
- Remedial Design
- Aquifer Testing
- Groundwater Sampling and Monitoring
- Lithologic Classification and Logging
- Groundwater Recharge
- Construction Management Support
- Subgrade Inspection
- Landslide Evaluation
- Soil and Rock Slope Stability Analysis
- Fault Studies
- Due-Diligence Geological Evaluations
- Surface and Subsurface Mapping
- Geologic Feasibility Studies
- Geohazard Investigations

Licensing and Certifications:

- California Professional Geologist #8442
- Certified Engineering Geologist #2660
- Certified Hydrogeologist #996
- Certified Environmental Sampler #0417
- Certified CQA Geosynthetic Materials and
- Compacted Clay Liner Inspector #612-06

Education:

- Bachelor of Science in Geology,
California State University, Fresno
- Certificate in Geotechnics,
Missouri University of Science and Technology

Affiliations:

- Association of Environmental and Engineering Geologists
- California Groundwater Resources Association
- National Groundwater Association

Years of Experience: 15