

# Mandatory Findings of Significance

## Chapter 3.18

### SUMMARY OF FINDINGS

None of the conditions stated below under Section 15065(a) (1)-(4) are present due to the impacts from the proposed Project. The impacts to the below resources are therefore ***Less Than Significant with Mitigation***.

### INTRODUCTION

#### California Environmental Quality Act (CEQA) Requirements

CEQA Guidelines “Mandatory Findings of Significance” (Section 15065(a)) lists the following potential impacts that need to be addressed by a lead agency:

15065(a): “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(1) *The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.*

(2) *The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.*

(3) *The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*

(4) *The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”*

Under the California Environmental Quality Act (CEQA), an EIR must be prepared when certain specified impacts may result from construction or implementation/operation of a project. An EIR has been prepared for the proposed Project, which fully addresses all of the Mandatory Findings of Significance, as described below.

Under Section 15065(a) of the CEQA Guidelines, a finding of significance is required if a project “has the potential to substantially degrade the quality of the environment.” In practice, this is the same standard as a significant effect on the environment, which is defined in Section 15382 of the CEQA Guidelines as “a substantial or potentially substantial adverse change in any

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of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” This EIR, in its entirety, addresses and discloses potential environmental affects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts related to the following environmental factors:

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

As summarized in Project Requirements/Mitigation Measures Section, this EIR discusses potential environmental resource impacts, the level of significance prior to mitigation, project requirements that are otherwise required by law or are incorporated as part of the project description, feasible mitigation measures, and the level of significance after the incorporation of mitigation measures.

This section of the Draft Environmental Impact Report (DEIR) meets CEQA requirements by making Mandatory Findings of Significance relative to impacts of the proposed Project site located in the San Joaquin Valley portion of Tulare County. The “Environmental Setting” section summarizes environmental resources in the region with special emphasis on the proposed Project site and vicinity. The “Regulatory Setting” provides a description of applicable State and local regulatory policies. A description of the potential impacts of the proposed Project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

#### Long Term Impacts

As described in Section 15065(a)(2), a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. This document addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis.

### Cumulative Impacts

Under Section 15065(a)(1) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to (1) substantially reduce the habitat of a fish or wildlife species; (2) cause a fish or wildlife population to drop below self-sustaining levels; or (3) substantially reduce the number or restrict the range of an endangered, rare, or threatened species. Section 4.3 (Biological Resources) of the EIR fully addresses impacts related to the reduction of the fish or wildlife habitat, the reduction of fish or wildlife populations, and the reduction or restriction of the range of special-status species.

### Impacts to Species

Section 15065(a)(1) of the CEQA Guidelines states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to eliminate important examples of a major period of California history or prehistory. Section 15065(a)(1) amplifies Public Resources Code 21001(c) requiring that major periods of California history are preserved for future generations. It also reflects the provisions of Public Resource Code Section 21084.1 requiring a finding of significance for substantial adverse changes to historical resources.

### Impacts to Historical Resources

Section 15064.5 of the CEQA Guidelines establishes standards for determining the significance of impacts to historical resources and archaeological sites that are an historical resource. Section 3.5 Cultural Resources of this EIR (which is supported by a Cultural Resources Technical Report) fully addresses impacts related to California history and prehistory, historic resources, archaeological resources, and paleontological resources.

### Impacts on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings will be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation/traffic, and utilities, which are addressed in this EIR.

### Thresholds of Significance

The geographical area may be countywide, statewide, or nationwide, depending on the nature of the impact. Thresholds of Significance for impacts to biological resources are addressed in detail in Chapter 3.4 Biological Resources of this document. Thresholds of Significance for impacts to cultural resources, including impacts to historic and prehistoric resources, are addressed in Chapter 3.5 Cultural Resources of this document.

## ENVIRONMENTAL SETTING

“Tulare County... is located in a geographically diverse region with the majestic peaks of the Sierra Nevada framing its eastern region, while its western portion includes the San Joaquin valley floor, which is very fertile and extensively cultivated. Tulare County is the second-leading agricultural-producing county in the U.S. Fresno County is currently (2004) the top producer. In addition to its agricultural production, the county’s economic base also includes agricultural packing and shipping operations.”<sup>1</sup>

### Native Vegetation

The native vegetation of the Valley is predominately characterized by the purple needlegrass series, valley oak series, vernal pools and wetland communities, and blue oak series. Fauna associated with this section include mule deer (*Odocoileus hemionus*), black-tailed deer (*Odocoileus hemionus columbianus*), coyotes (*Canis latrans*), white-tailed jackrabbits (*Lepus townsendii*), kangaroo rats (*Dipodomys ingens*), kit fox (*Vulpes macrotis*), and muskrats (*Ondatra Zibethicus*). Birds include waterfowl, hawks, golden eagles (*Aquila chrysaetos*), owls, white-tailed kites (*Elanus leucurus*), herons, western meadowlark (*Sturnella neglecta*) and California quail (*Callipepla californica*).<sup>2</sup>

### Existing Cultural and Historic Resources

“Tulare County’s known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources.”<sup>3</sup>

Due to the sensitivity of many prehistoric, ethnohistoric, and historic archaeological sites, locations of these resources are not available to the general public. The Information Center at California State University, Bakersfield houses records associated with reported cultural resources surveys, including the records pertinent to sensitive sites, such as burial grounds, important village sites, and other buried historical resources protected under state and federal laws.

## REGULATORY SETTING

### *Federal Agencies & Regulations*

See Chapters 3.4 and 3.5 of this document for federal regulations related to biological and cultural resources; respectively.

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<sup>1</sup> Tulare County 2030 Update General Plan Background Report, page 1-2

<sup>2</sup> Ibid. Page 9-10

<sup>3</sup> Ibid. Page 9-56

### ***State Agencies & Regulations***

See Chapters 3.4 and 3.5 of this document for state regulations related to biological and cultural resources; respectively.

### ***Local Policy & Regulations***

See Chapters 3.4 and 3.5 of this document for local regulations related to biological and cultural resources; respectively.

## **IMPACT EVALUATION**

### **Would the project:**

- a) **Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

#### ***Findings: Impacts to Biological Resources***

##### ***Project Impact Analysis: Less Than Significant Impact with Mitigation***

A biological evaluation of the Project site was conducted by consultants Kamansky's Ecological Consulting (KEC) and is included in this DEIR as Appendix "D". Results of the assessment are based upon database and literature searches, as well as a site visit. The biological evaluation determined that:

##### ***3.4 a) Less Than Significant Impact With Mitigation:***

Based on the field survey and research, KEC concluded that the existing operations had rendered the site unsuitable for all but the most urban-tolerant species. Any native habitats once present on the site were completely transformed by the commercial enterprise; however, special-status species are known to forage and inhabit the Project vicinity. ***Less Than Significant with Mitigation Project-specific Impacts*** related to this Checklist Item will occur.

##### ***3.4 b) No Impact:***

Based upon the lack of riparian habitat, ***No Impacts*** related to this Checklist Item will occur.

##### ***3.4 c) Less Than Significant Impact:***

There is no wetland habitat for special study species located onsite. As such, ***No Impact*** related to this Checklist Item will occur.

**3.4 d) *Less Than Significant Impact:***

The Project site does not serve as a fish or wildlife movement corridor. The existing perimeter chain-link fence would restrict the movement of wildlife through the site. ***Less Than Significant Impacts*** related to this Checklist Item will occur.

**3.4 e) *No Impact:***

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

**3.4 f) *No Impact:***

There are two habitat conservation plans that apply in Tulare County. The proposed Project does not conflict with these plans. ***No Impacts*** related to this Checklist Item will occur.

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

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***.

**Mitigation Measure(s): *None Required.***

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

Potential Project-specific and cumulative impacts to biological resources will be ***Less Than Significant***.

***Findings: Impacts to examples of the major periods of California history or prehistory***

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

Chapter 3.5, Cultural Resources, discusses impacts to historic or prehistoric resources in detail. One significant cultural resource were identified within ¼ mile of the proposed Project site as a result of a records search conducted by the Southern San Joaquin Valley Information Center. Mitigation Measures have been included to address the potential of cultural resources being unearthed as a result of proposed Project-related ground excavation. Mitigation Measures 5-1 and 5-2 are included in the unlikely event that archaeological or paleontological resources are unearthed during Project-related ground excavation and Mitigation Measure 5-3 is included in the event that human remains are found.

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

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. The proposed Project will be mitigated to ***Less Than Significant Project-specific Impacts and Less Than Significant Cumulative Impacts With Mitigation***.

**Mitigation Measure(s): *See Mitigation Measures outlined in Chapters 3.4 and 3.5.***

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

*Less Than Significant Project-specific and Cumulative Impacts with Mitigation* to biological and cultural resources will occur.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Project Impact Analysis:                    *See Chapter 4*

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

Cumulative Impact Analysis:            *See Chapter 4*

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

Mitigation Measure(s):    *See Mitigation Measures contained in Chapter 8.*

Conclusion:                                    *See Chapter 4*

Cumulative impacts are discussed within the analysis of each Checklist Item. In addition, cumulative impacts are summarized in Chapter 4.

- c) **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Project Impact Analysis:                    *Less Than Significant Impact*

The proposed Project would not result in any impacts to human beings beyond what has already been analyzed in Chapters 3.1 to 3.17.

There are no significant environmental adverse effects from this Project to human beings.

Cumulative Impact Analysis:            *Less Than Significant Impact*

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

There are no significant environmental adverse effects from this Project to human beings.

Mitigation Measure(s):                    *None Required.*

Conclusion:                                    *Less Than Significant Impact*

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There will be *Less Than Significant* environmental effects which will cause substantial adverse effects to impacts to human beings either directly or indirectly.

## REFERENCES

Tulare County 2030 Update General Plan Background Report, page 1-2, 9-10, 9-56