



RESOURCE MANAGEMENT AGENCY

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PROJECT REVIEW - CONSULTATION NOTICE

Date: **April 20, 2020**

To: **Interested Agencies** (see next page)

From: **Sandy Roper, Project Planner** [Phone: (559) 624-7101 and Email: sroper@co.tulare.ca.us]

Subject: **General Plan Amendment No. GPA 20-009** for the County of Tulare to amend the 2017 Animal Confinement Facilities Plan ("ACFP") and 2017 Dairy and Feedlot Climate Action Plan ("Dairy CAP"), regulating new dairies and dairy expansions located in the unincorporated areas of Tulare County. The 2017 ACFP, 2017 Dairy CAP, and the 2017 Final Environmental Impact Report ("FEIR") for the 2017 ACFP and Dairy CAP are available at the following link: <https://tularecounty.ca.gov/rma/index.cfm/permits/dairy/>. GPA 20-009 proposes to: 1) reduce the 2017 ACFP "streamlining" screening level for dairy expansions (Policy 2.5-3 of the 2017 ACFP) to no more than once every five years, 2) reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist Criteria in Appendix A to the 2017 ACFP from 25,000 MT of CO₂e per year to 15,000 MT of CO₂e per year, and 3) move certain GHG emission reduction strategies from Category B to Category A in the Dairy CAP.

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:

- 1) Dairies would be limited to no more than one "streamlining" screening level dairy expansion every five years. Under the existing ACFP and Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.
- 2) Only dairy expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion, while under the 2017 ACFP and 2017 Dairy CAP dairy expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.
- 3) Some GHG emission reduction strategies would simply move from Category B to Category A in the Dairy CAP.

The proposed GPA 20-009 is a requirement of a Stipulated Settlement (effective August 2, 2019) completely resolving Case No. 272380 - Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Superior Court, State of California, County of Tulare, Visalia Division, challenging the certification by the County of Tulare of the Environmental Impact Report for the Animal Facilities Confinement Plan and related General Plan Amendments Zone Changes, and Dairy and Feedlot Climate Action Plan.

Please review the Proposed 2020 ACFP Amendment and the Proposed 2020 Dairy and Feedlot CAP Amendment, both of which are attached, and provide any comments and/or recommendations that you feel are appropriate, including any scientific or factual information that would be useful in our evaluation. Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and the Project Number referenced above for this project. **To all government entities wishing to make recommendations within the 45-day comment period, all comments must be**

received by our office by 5:00 PM on **June 4, 2020**, in order to be considered during the review process. Please note that on February 21, 2020, a separate notice was sent regarding Native American Consultation, pursuant to Senate Bill 18 (“SB 18”), Government Codes § 65352.3 and §65352.4, as well as Assembly Bill 52 (“AB 52”), Public Resources Codes §21080.1, §21080.3.1, and §21080.3.2.

Pursuant to CEQA Guidelines Section 15164, the Tulare County Resource Management Agency has determined that an Addendum to the 2017 Final Environmental Impact Report for the 2017 ACFP and 2017 Dairy CAP shall be prepared to the previously certified Environmental Impact Report (“EIR”) because changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

**PROJECT NO. GPA 20-009 (Tulare County)
CONSULTING AGENCY LIST**

County Departments

- All Tulare County Board of Supervisors (9 copies)
- All Tulare County Planning Commission (7 copies)
- Tulare Co. CAO
- Tulare Co. Environmental Health (Ted Martin)
- Tulare County Agricultural Commissioner (Tom Tucker)
- Tulare County Counsel
- U.C. Cooperative Extension Service (Noelia Silva-del-Rio)

Cities/Countries

- Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, Kingsburg, Delano
- Counties of Kings, Kern, Fresno, Inyo

Other Organizations/Agencies/State Government/Federal Government

- Tulare County Office of Education, 6200 S. Mooney Blvd., Visalia, CA 93277
- Tulare County LAFCO, 210 N. Church Street, Suite B, Visalia, CA 93291
- California Water Service, 216 North Valley Oaks Drive, Visalia, CA 93292
- San Joaquin Valley Unified Air Pollution Control District
- CA Historical Resources Information System (Bakersfield Information Center)
- CA Regional Water Quality Control Board, Central Valley (Fresno - Dale Essary)
- California Department of Fish and Wildlife, District 4
- Native American Heritage Commission
- Air Resources Board (Patrick Gaffney)
- State of California Reclamation Board
- CA Department of Water Resources
- CA Water Resources Control Board
- State of California Department of Conservation
- California Department of Food and Agriculture
- CA State Department of Health
- California Department of Transportation (District 06)
- California Department of Parks & Recreation
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- USDA Natural Resource Conservation Service (Laurana Strong)
- US Bureau Land Management

- ☒ Southern California Gas
- ☒ Southern California Edison
- ☒ PG&E
- ☒ Sierra Club, Kern-Kaweah Chapter (Attn: Vice-Chair Gordon Nipp, P.O. Box 3357, Bakersfield, CA 93385)
- ☒ Babak Naficy (Law Offices of Babak Naficy, 1504 Marsh Street, San Luis Obispo, CA 93407)
- ☒ Association of Irrigated Residents (Attn: Tom Frantz, President, 29389 Fresno Avenue, Shafter, CA 93263)
- ☒ Center for Biological Diversity (Attn: Jonathan Evans, 1212 Broadway, Suite 800, Oakland, CA 94612)
- ☒ Community Alliance for Responsible Environmental Stewardship (J.P. Cativiela)

Tulare County Groundwater Sustainability Agencies

- ☒ East Kaweah GSA (Attn: Michael Hagman), 315 E. Lindmore Street, Lindsay, CA 93247
- ☒ Greater Kaweah GSA (Attn: Eric Osterling), Email: info@greaterkaweahgsa.org
- ☒ Middle Kaweah GSA (Attn: Paul Hendrix), 144 S. L Street. Suite N, Tulare, CA 93274
- ☒ Central Kings GSA (Attn: Phillip Desatoff), P.O. Box 209, Selma, CA 93552
- ☒ Kings River East GSA (Attn: Chad Wegley), 289 North L Street, Dinuba, CA 93618
- ☒ Eastern Tule GSA (Attn: Bryce McAteer), 881 W. Morton Ave, Suite D, Porterville, CA 93257
- ☒ Delano/Earlimart Irrigation District GSA (Attn: Dale Brogan), 14181 Avenue 24, Delano, CA 93201
- ☒ Alpaugh GSA (Attn: Bruce Howart), 5458 Road 38, Alpaugh, CA 93201
- ☒ Lower Tule River Irrigation District GSA (Attn: Dan Vink or Eric Limas), 357 E. Olive Avenue, Tipton, CA 93272
- ☒ Pixley Irrigation District GSA (Attn: Dan Vink or Eric Limas), 357 E. Olive Avenue, Tipton, CA 93272
- ☒ Tri-County Water Authority GSA (Attn: Matt Hurley), 944 Whitley Ave, Suite E, Corcoran, CA 93212

Proposed 2020 ACFP Amendment

- (A) The first sentence in the last paragraph of Section 1.2 ACFP Update of the 2017 ACFP is amended to read:

"This updated ACFP also establishes a Conformance Checklist Review Procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions no more than once every five years for a given facility."

- (B) The following definition is added to Section 2 of the 2017 ACFP in the definitions under "Introduction" to read:

"Expansion: A dairy expansion is defined as a net increase above the ACFP List permitted herd sizes."

- (C) The first sentence of Policy 2.5-3 in Section 2.5 *Permitting Requirements - Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP is amended to read:

"Bovine facility expansions may be permitted once every five years through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4)."

- (D) The following is added to the end of 2.6.1 Application Contents in Section 2.6 *Applications - New Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP:

"6. For a bovine facility expansion, whether the bovine facility has previously used the streamlined Conformance Checklist Review Procedure, and if so, dates of previous expansion approval."

- (E) The following sentence in Subsection (a) of Item No. 2 in the Conformance Checklist set out in Appendix A to the 2017 ACFP is amended to read:

"(a) generate less than 15,000 metric tons per year of net Greenhouse Gas (GHG) Emissions, as set forth in the amended Dairy and Feedlot Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP?" For the purpose of calculating the expected emissions from the proposed expansion, each application for expansion, at a minimum, must account for all emission sources relied upon in the ACFP and Dairy CAP Environmental Impact Report and disclose how many of each of the following categories of animals would be added to the existing herd: Dairy Cows, Dairy Heifers 0-12 months, Dairy Heifers 12-24 months, Dairy Calves.

Proposed 2020 Dairy and Feedlot CAP Amendment

- (A) The following sentence in the introductory section of the second sentence in the second paragraph of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP is amended to read:

"The 2017 Dairy CAP chose 25,000 MT CO₂e/yr as a streamlined analysis level because ... "

- (B) The following paragraph is added to the end of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP:

"However, although these considerations still apply, the County has decided as of _____ to use a streamlined analysis level of 15,000 MT CO₂e/yr consistent with the August 2, 2019 settlement of a legal challenge to the 2017 ACFP and Dairy CAP by the Sierra Club, the Associated of Irrigated Residents and the Center for Biological Diversity."

- (C) The first paragraph of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read:

"Table 5 lists the Category A reduction strategies, which new or expanding dairies or feedlots must (1) incorporate into their facility to the extent applicable based on the project specifics or (2) provide justification as to why the given strategy is impracticable or infeasible for the facility. For strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA."

- (D) Table 5 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP		
Checklist #	Reference # (Appendix C)	Reduction Strategies
Dairy Operations		
D1	C9.1.5	Implement environmentally responsible purchasing of feed

Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP

Checklist #	Reference # (Appendix C)	Reduction Strategies
		additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)
<u>D5*</u>	<u>S9(3)</u>	<u>Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.</u>
<u>D6*</u>	<u>O(1)</u>	<u>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</u>
<u>D7*</u>	<u>O(2)</u>	<u>Increase solids separation to reduce loading.</u>
<u>D8*</u>	<u>11</u>	<u>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</u>
Energy		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers

Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP

Checklist #	Reference # (Appendix C)	Reduction Strategies
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
<u>E6*</u>	<u>C2.3.1</u>	<u>Establish onsite renewable or carbon-neutral energy systems – generic</u>
<u>E7*</u>	<u>C2.3.2</u>	<u>Establish onsite renewable energy systems – solar power</u>
<u>E8*</u>	<u>C2.3.3</u>	<u>Establish onsite renewable energy systems – wind power</u>
<u>E9*</u>	<u>C2.3.4</u>	<u>Utilize a combined heat and power system</u>
<u>E10*</u>	<u>C2.3.6</u>	<u>Establish methane recovery on digester</u>
Transportation [20 or more new employees]		
T1	C3.2.6	Provide bike parking if requested by employees
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)		
R1	C4.2.2	Adopt a water conservation strategy
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

*For measures D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.

(E) Table 6 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)		
Checklist #	Reference # (Appendix C)	Measure
Dairy Operations		
D5	S9(3)	Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
D6	Ø(1)	Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	Ø(2)	Increase solids separation to reduce loading.
D8	11	Use pasture based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.
Energy		
E6	€2.3.1	Establish onsite renewable or carbon neutral energy systems—generic
E7	€2.3.2	Establish onsite renewable energy systems—solar power
E8	€2.3.3	Establish onsite renewable energy systems—wind power
E9	€2.3.4	Utilize a combined heat and power system
E10	€2.3.6	Establish methane recovery on digester
Transportation		
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing

Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)

Checklist #	Reference # (Appendix C)	Measure
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
Water, Solid Waste, and Recycling		
R6	C6.1.1	Institute or extend recycling and composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
Miscellaneous		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-Road vehicle plan (construction only)
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations
M9	C9.1.5	Environmentally responsible purchasing
M10	C9.1.6	Implement an innovative strategy for GHG reductions
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or

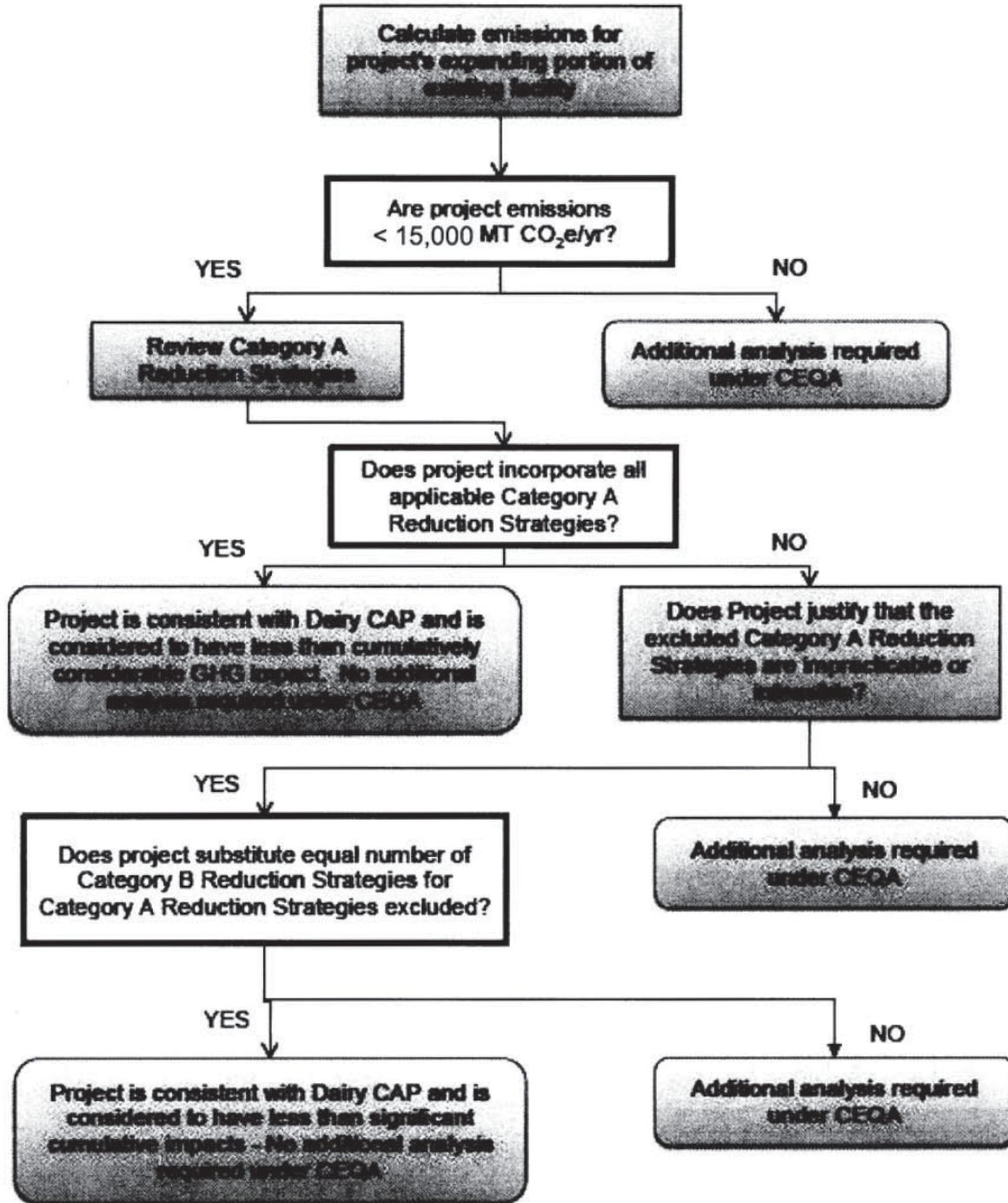
Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)		
Checklist #	Reference # (Appendix C)	Measure
		greater extent as would have been done for the expanded portion

(F) The second bullet point in second paragraph of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read:

- “The facility expansion has emissions above the streamlining analysis level of 15,000 MTCO_{2e}, OR”

(G) Figure 1 of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read as set out below:

Figure 1. Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions.



- (H) The following sentence is added to the top of each page of Appendix C Summary of Potential Emissions Reduction Strategies to the 2017 Dairy CAP:

"Pursuant to Board of Supervisors Resolution _____, Strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10 are Category A, rather than Category Bin the "Category" column of this table. Implementation of these strategies is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasiÂ-bility per SB 1383, and 3) feasibility as defined by CEQA."