DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

SAPUTO HYLUX CONCENTRATED SOLAR ENERGY PROJECT

JULY 2019

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SAPUTO HYLUX CONCENTRATED SOLAR ENERGY PROJECT

Prepared for:

City of Tulare
Community & Economic Development Department
411 East Kern Avenue
Tulare, CA 93274

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July 2019

Project #190174

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This is to advise that the City of Tulare has prepared a Mitigated Negative Declaration for the Project identified below that is scheduled to be presented at the City of Tulare Planning Commission meeting on September 9, 2019.

PLEASE BE ADVISED that the City of Tulare Planning Commission will consider adopting the Mitigated Negative Declaration at the Planning Commission meeting to be held on September 9, 2019 at 7:00 p.m. Presentations will be made and action on items on the agenda will occur after the presentations. The meeting will be held at Council Chamber, 491 North 'M' Street, Tulare, CA 93274.

Project Name

Saputo Hylux™ Solar Project

Project Location

The Saputo Hylux™ Concentrated Solar Power Project (Project) is to be located at 800 East Paige Avenue in the City of Tulare, California (APN #181-100-032).

The Project site is located within the Tulare, California USGS 7.5-minute topographic quadrangle map in the SW ¼ of SE ¼ of Section 14 Township 20 South, Range 24 East, of the Mount Diablo Base and Meridian (MDB&M). Elevation of the site is 279 feet above mean sea level.

Project Description

The Saputo Hylux™ Solar Energy Project (Project) is a Concentrated Solar Power (CSP) Project. The energy collected from the Hylux™ CSP system will be in the form of heat and will be used to offset natural gas burned at the existing Saputo facility on Paige Avenue which is used in cheese production. The Project proposes to install a three-acre concentrated solar array on previously disturbed, but presently unused land at the site of an existing cheese production facility on a 40-acre parcel located at 800 East Paige Avenue in Tulare, California (APN #181-100-032).

The heat transfer fluid (HTF) that will be used in the system will be Exceltherm 600, a food grade thermal oil. A heat exchanger will transfer heat from the HTF to water which will be delivered to the plant for use in the plant's clean in place (CIP) system. The HTF pumps and controls will be placed on a concrete slab which will have a minimum four-inch curb for secondary containment of the HTF. The receiver string for the system will be no more than 25 feet above grade, mounted on poles and stabilized with guy wires.

Construction is anticipated to take approximately 10 to 12 months to complete. Staging areas will be located on the site.

The document and documents referenced in the Initial Study/Mitigated Negative Declaration are available for review at City of Tulare Community & Economic Development Department public counter, located at 411 East Kern Avenue, Tulare, CA 93274.

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document was 30 days (CEQA Section 15073[b]). The public review period began on July 25, 2019 and ended on August 23, 2019. For further information, please contact Mario Anaya, Principal Planner at 559-684-4223.

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MITIGATED NEGATIVE DECLARATION

As Lead Agency under the California Environmental Quality Act (CEQA), the City of Tulare Planning Division (City) reviewed the Project described below to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, "[s]ignificant effect on the environment" means a substantial, or potentially substantial, adverse change in any 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.

Project Name

Saputo Hylux™ Solar Project

Project Location

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Project Description

The Saputo Hylux™ Solar Energy Project (Project) is a Concentrated Solar Power (CSP) Project. The energy collected from the Hylux™ CSP system will be in the form of heat and will be used to offset natural gas burned at the existing Saputo facility on Paige Avenue which is used in cheese production. The Project proposes to install a three-acre concentrated solar array on previously disturbed, but presently unused land at the site of an existing cheese production facility on a 40-acre parcel located at 800 East Paige Avenue in Tulare, California (APN #181-100-032). The entire parcel is completely enclosed with a chain-link fence.

The heat transfer fluid (HTF) that will be used in the system will be Exceltherm 600, a food grade thermal oil. A heat exchanger will transfer heat from the HTF to water which will be delivered to the plant for use in the plant's clean in place (CIP) system. The HTF pumps and controls will be placed on a concrete slab which will have a minimum four-inch curb for secondary containment of the HTF. The receiver string for the system will be no more than 25 feet above grade, mounted on poles and stabilized with guy wires.

The Project will use the existing electrical power at the site. New lines will be routed to the system to power the pump(s) for the HTF and the control equipment for the CSP array. Access to the site will remain the same as before the Project.

Temperature and pressure sensors will be used to monitor the operations of the system and measure performance.

All portions of the Project will comply with applicable safety and building codes.

CONSTRUCTION

Construction is anticipated to take approximately 10 to 12 months to complete. Based on an average of 20 workdays a month, the construction would take approximately 200 days to complete.

During construction, an anticipated five to 10 employees will be on site. Traffic to the Project site is anticipated to be approximately 10 round trips per day. During the most intensive period of construction, two additional diesel trucks would deliver construction equipment and materials daily. This period would last for approximately one month. Staging areas are proposed to be located on the site.

Construction Equipment

It is anticipated that the following pieces of equipment would be used during construction activities:

- Grader
- Loader
- Stick boom
- Reach lift
- Service truck
- Trencher
- Mobile generator

Water Usage

An estimated 960,000 gallons is needed for initial fill of the water-bed support structures. The beds are completely enclosed to eliminate evaporation, so no water is lost over time.

OPERATIONS

Operation of the system is automatic, and very simple in both principle and practical application. Mirror arrays that are automatically controlled via linear actuators rotate into position shortly after sunrise to bring the system "on-sun" in the morning. Light from the mirrors is reflected to the receiver and heats the HTF. The mirrors continue to rotate slowly throughout the day to track the sun and keep the light focused on the receiver. When the system is on-sun, the control software circulates the HTF through the receiver to heat it up. The HTF is circulated through a heat exchanger where it gives up its heat to water for use in the CIP system. The HTF then makes another circuit through the receiver to pick up more solar heat. At sundown, the system automatically shuts down. Cheese plant staff will have a control interface and will be able to manually control the system if desired.

Operational Equipment

Description	Motor Size	Type	Oper Factor	Oper kW
HTF pumps (2)	30 hp	VFD	80%	~20
SCADA Controls	N/A			
Total Kw				~20

SCADA = Supervisory Control and Data Acquisition

Parking

Existing parking will be accessible in existing paved parking lots.

Hours of Operation

The facility will be operational when the sun is up, 365 days per year.

Staffing and Traffic

Once operational, the system will not require additional onsite staff. Cleaning personnel will be on site to clean the system once per month. The system will be remotely monitored, and in the event of a malfunction or other unplanned upset, maintenance staff will be sent to the site for repair.

Water Usage

An estimated 960,000 gallons (2.9 AF) is needed to initially fill the water-bed support structures. The beds are completely enclosed to eliminate evaporation, so no water is lost over time.

The only water anticipated to be used on a continuing basis is for in cleaning. Between 3,000 and 12,000 gallons annually (0.04-0.11 AFY) will be used in cleaning for the life of the Project.

Mailing Address and Phone Number of Contact Persons

Mario Anaya
Principal Planner
Community & Economic Development Department
411 East Kern Avenue
Tulare, CA 93274
(559) 684-4223

Findings

As Lead Agency, the City of Tulare Planning Division (City) finds that the Project will not have a significant effect on the environment. The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 - Environmental Checklist*) identified one or

more potentially significant effects on the environment, but revisions to the Project have been made before the release of this Mitigated Negative Declaration (MND) or mitigation measures would be implemented that reduce all potentially significant impacts to less than significant levels. The Lead Agency further finds that there is no substantial evidence that this Project would have a significant effect on the environment.

Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

MM AQ-1: During Project construction the following measures shall be implemented:

- When exposure to dust is unavoidable for workers who will be disturbing the top two to 12 inches of soil, provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)."
- Train workers and supervisors about the risk of Valley Fever, the work activities that may increase the risk, and the measures used onsite to reduce exposure. Also train on how to recognize Valley Fever symptoms.
- Encourage workers to report Valley Fever symptoms promptly to a supervisor. Not associating these symptoms with workplace exposures can lead to a delay in appropriate diagnosis and treatment.

MM BIO-1: Prior to ground disturbing activities a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, Tipton kangaroo rat, other special-status species or signs of, and sensitive natural communities. The pre-construction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 50-foot buffer, where feasible.

Exclusion zones for kit fox shall be placed in accordance with U.S. Fish and Wildlife Service (USFWS) Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50-foot radius

Buffer zones shall be considered Environmentally Sensitive Areas (ESAs) and no ground disturbing activities shall be allowed within a buffer area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted upon the discovery of any natal or pupping dens.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Worker Environmental Awareness Program (WEAP) shall be conducted for all employees, contractors, or other personnel involved with the Project prior to the commencement of ground disturbing activities. The training shall consist of a brief presentation by a qualified biologist and include the following: a description of special-status species with the potential to occur in the Project area and their habitat needs, a report of occurrence of special-status species in the Project area, an explanation of the listing status of said species, a list of avoidance and minimization measures to be implemented, and violations associated with the federal and State endangered species acts. A fact sheet conveying this information should be available to all personnel upon entering the Project site and a sign-in sheet shall be maintained and made available to the District, USFWS, and CDFW.

MM BIO-3: During all construction-related activities, the following mitigation shall apply:

a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds should not exceed 20 miles per hour (mph) within the Project site.
c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has

been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

e. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
f. Use of anti-coagulant rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
g. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
h. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
i. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
j. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

MM BIO-4: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project sites, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist in coordination with the California Department of Fish and Wildlife shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

MM BIO-5: If Swainson's hawk are observed during the preconstruction clearance survey and construction of the Project occurs during Swainson's hawk breeding season (February 1 through September 15), no more than 10 days prior to the commencement of construction, the following shall be implemented:

Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the Project site and pipeline route. The survey methodology shall be consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000). At a minimum, two sets of surveys shall be conducted between March 20 and April 20. If no nests are observed, no further action is necessary.

If active Swainson's hawk nests are observed within 0.5 miles of the Project, appropriate avoidance and minimization measures shall be implemented under direction of a qualified biologist in coordination with the California Department of Fish and Wildlife. A copy of the survey results shall be submitted to the City of Tulare Planning Division.

MM BIO-6: The measures listed below shall be implemented prior to and during construction at the Project site, if small mammal burrows are noted during the preconstruction survey, to protect the Tipton kangaroo rats or other special-status small mammals:

- All construction activity shall occur during daylight when kangaroo rats are less active.
- A biologist shall inspect areas with a potential for kangaroo rat burrows within 14 days prior to construction. If potential burrows are found in construction areas, trapping shall be conducted for a minimum of three nights with at least one trap per active burrow. If Tipton kangaroo rats are captured, consultation with California Department of Fish and Wildlife is required.
- During operations, no small mammal burrows shall be removed without first being inspected by a qualified biologist. If it is essential to move a burrow, trapping shall occur for three consecutive nights. If Tipton or other listed small mammals are observed, consultation with California Department of Fish and Wildlife shall occur to determine subsequent actions.

MM CUL-1: If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation.

The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. Mitigation

measures may include avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery, among other options. Any previously undiscovered resources found during construction within the Project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.

MM CUL-2: If human remains are discovered during construction or operational activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

MM GEO-1: During grading and site preparation activities, if paleontological resources are encountered, all work within 50 feet of the find shall halt until a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards can evaluate the find and make recommendations. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. The paleontologist shall notify the Tulare County Community Development Agency, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement mitigation measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in PRC Section 21083.2.

MM HAZ-1: The Project proponent shall prepare a modified hazardous materials management plan and submit it to the State. Evidence of compliance shall be submitted Tulare County Environmental Health Department.

SECTION 1 - INTRODUCTION

1.1 - Overview

The Project proposes to install a three-acre concentrated solar array on previously disturbed, but presently unused land at the site of an existing cheese production facility on a 40-acre parcel located at 800 East Paige Avenue in Tulare, California (APN #181-100-032). The energy collected from the Hylux™ CSP system will be in the form of heat and will be used to offset natural gas burned at the existing Saputo facility on Paige Avenue which is used in cheese production. The Project will use the existing electrical power at the site. New electrical lines would be routed to the system to power the pump(s) for the HTF and the control equipment for the CSP array. Access to the site would remain the same as before the Project, from East Paige Avenue to the south and East Continental Avenue to the north.

1.2 - California Environmental Quality Act

The City of Tulare is the Lead Agency for this Project pursuant to the CEQA Guidelines (Public Resources Code Section 15000 et seq.). The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Initial Study*) provides analysis that examines the potential environmental effects of the construction and operation of the Project. Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an IS to determine whether a discretionary Project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) is appropriate when an IS has been prepared and a determination can be made that no significant environmental effects will occur because revisions to the Project have been made or mitigation measures will be implemented that reduce all potentially significant impacts to less than significant levels. The content of an MND is the same as a Negative Declaration, with the addition of identified mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP) (see *Appendix A – Mitigation Monitoring and Reporting Program*).

Based on the IS, the Lead Agency has determined that the environmental review for the proposed application can be completed with an MND.

1.3 - Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of "no impact" is appropriate if the analysis concludes that the Project would not affect a topic area in any way.
- An impact is considered "less than significant" if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered "less than significant with mitigation incorporated" if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental mitigation commitments that have been agreed to by the applicant.

- An impact is considered "potentially significant" if the analysis concludes that it could have a substantial adverse effect on the environment.

1.4 - Document Organization and Contents

The content and format of this IS/MND is designed to meet the requirements of CEQA. The report contains the following sections:

- *Section 1 – Introduction:* This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description:* This section describes the Project and provides data on the site's location.
- *Section 3 – Environmental Checklist:* This chapter contains the evaluation of 18 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include: no impact, less than significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 18 environmental resource factors, then an Environmental Impact Report will be required.
- *Section 4 – List of Preparers:* This chapter identifies the individuals who prepared the IS/MND.
- *Section 5 – Bibliography:* This chapter contains a full list of references that were used in the preparation of this IS/MND.
- *Appendix A – Mitigation Monitoring and Reporting Program:* This appendix contains the Mitigation Monitoring and Reporting Program.

1.5 - Incorporated by Reference

The following documents and/or regulations are incorporated into this IS/MND by reference:

- City of Tulare Official Zoning Map (2015);
- 2035 City of Tulare General Plan (2014);
- City of Tulare Final Environmental Impact Report for the 2035 General Plan (2014);
- City of Tulare Adopted Climate Action Plan (2011);
- City of Tulare Municipal Code; and
- Tulare County Comprehensive Airport Land Use Plan.

SECTION 2 - PROJECT DESCRIPTION

2.1 - Introduction

The Saputo Hylux™ Concentrated Solar Power Project (Project) proposes to install a concentrated solar array on previously disturbed, but presently undeveloped land adjacent to an existing Saputo cheese production facility located at 800 East Paige Avenue in Tulare, California (Figure 2-1 through Figure 2-5). The energy collected from the Hylux™ CSP system will be in the form of heat to offset natural gas burned at the existing facility used during cheese production. The entire parcel is completely enclosed with a chain-link fence. For this environmental analysis, unless specifically differentiated, the Hylux™ CSP system and associated infrastructure will be referred to as the "Project."

2.2 - Project Location

The Saputo Hylux™ Concentrated Solar Power Project site is a three-acre portion of a 40-acre parcel (APN #181-100-032). The Project site is disturbed but undeveloped land adjacent to the existing Saputo cheese production facility, located at 800 East Paige Avenue in the City of Tulare, California.

The Project facility is located within the Tulare, California USGS 7.5-minute topographic quadrangle map in the SW ¼ of SE ¼ of Section 14 Township 20 South, Range 24 East, Mount Diablo Base and Meridian (MDB&M). Elevation of the site is 279 feet above mean sea level.

2.3 - Surrounding Land Uses

The Project site is in an industrial area of the City of Tulare and is located on the site of an existing cheese manufacturing facility.

The surrounding area is industrial in nature, consisting of a utility company, cold storage facility, and distribution company.

Location	Existing Land Use	Existing General Plan and Zoning
Project Site	Manufacturing	M-2
North	Cold Storage	M-2
East	Utility company	M-2
South	Undeveloped	M-1
West	Manufacturing	M-2

2.4 - Proposed Project

The Saputo Hylux™ Solar Project proposes to construct a concentrated solar power (CSP) system on an approximately three-acre portion of a 40-acre parcel (APN 181-100-032) located at 800 East Paige Avenue in Tulare, California (Project). The energy collected from the Hylux™ CSP system will be in the form of heat and will be used to offset natural gas

burned at the existing Saputo facility on Paige Avenue which is used in cheese production. The heat transfer fluid (HTF) that will be used in the system will be Excelltherm 600, a food grade thermal oil. A heat exchanger will transfer heat from the HTF to water which will be delivered to the plant for use in the plant's clean in place (CIP) system. The HTF pumps and controls will be placed on a concrete slab which will have a minimum four-inch curb for secondary containment of the HTF. The receiver string for the system will be no more than 25 feet above grade, mounted on poles and stabilized with guy wires.

2.4.1 - CONSTRUCTION

Construction is anticipated to take approximately 10-12 months to complete.

During construction, an anticipated five to 10 employees will be on site. Traffic to the Project site is anticipated to be approximately 10 round trips per day.

Staging areas are proposed to be located on the site. The Project will use the existing electrical power at the site. New lines will be routed to the system to power the pumps(s) for the heat transfer fluid (HTF) and the control equipment for the solar array.

Construction Equipment

It is anticipated that the following pieces of equipment would be used during construction activities:

- Loader
- Stick Boom
- Reach Lift
- Grader
- Mobile generator
- Service truck
- Trencher

Water Usage

An estimated 960,000 gallons (2.9 AF) is anticipated during construction activities for the initial fill of the concentrated solar facility.

2.4.2 - OPERATIONS

Operation of the system is automatic, and very simple in both principle and practical application. Mirror arrays which are automatically controlled via linear actuators are rotated into position shortly after sunrise to bring the system "on-sun" in the morning. Light from the mirrors is reflected to the receiver and heats the HTF. The mirrors continue to rotate slowly through the day to track the sun and keep the light focused on the receiver. When the system is on-sun, the control software circulates the HTF through the receiver to heat it up. The HTF is circulated through a heat exchanger where it gives up its heat to water for use in the CIP system. The HTF then makes another circuit through the receiver to pick up more solar heat. At sundown, the system automatically shuts down. Cheese plant staff will have a control interface and will be able to manually control the system if desired.

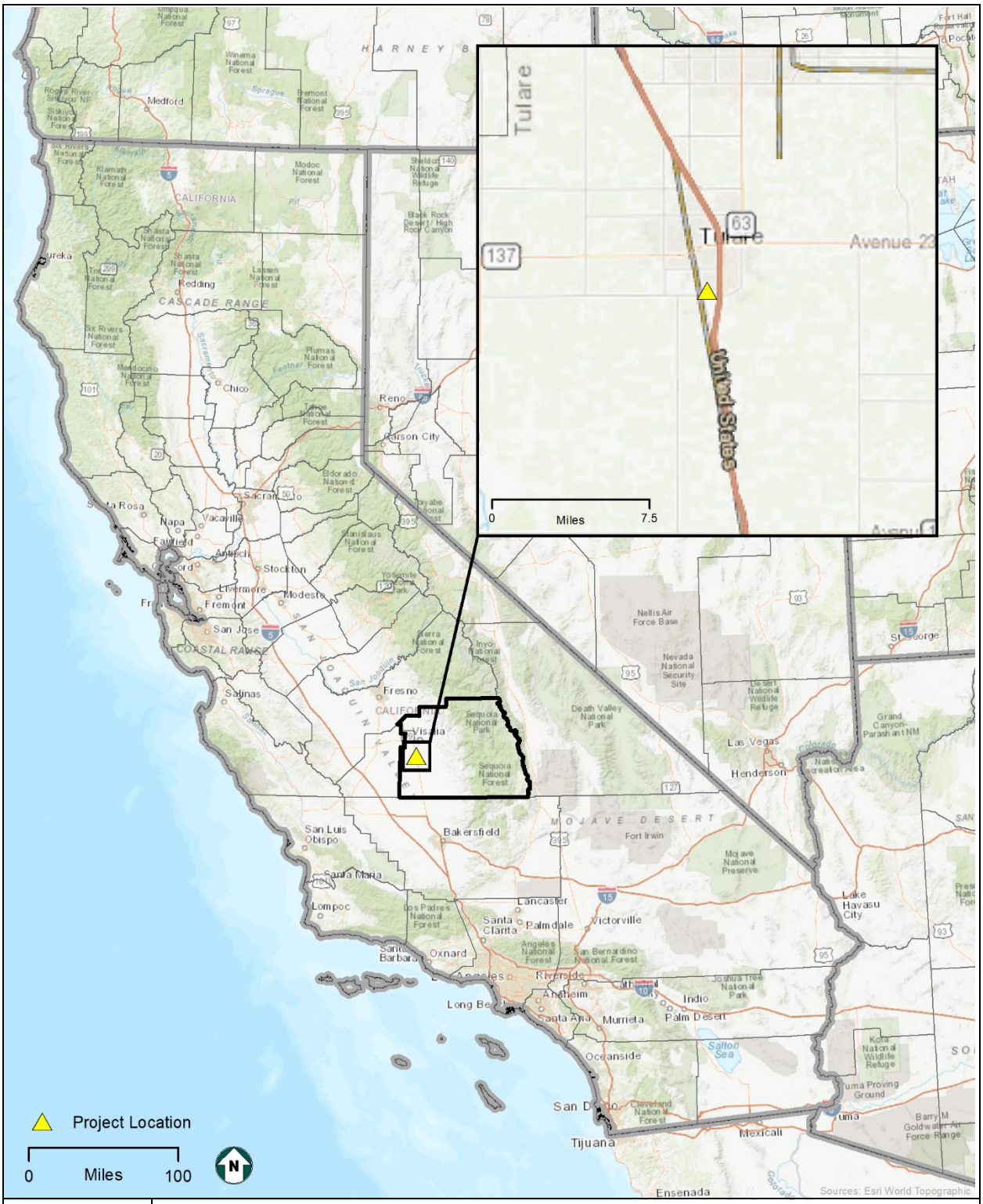

Figure 2-1
Regional Location

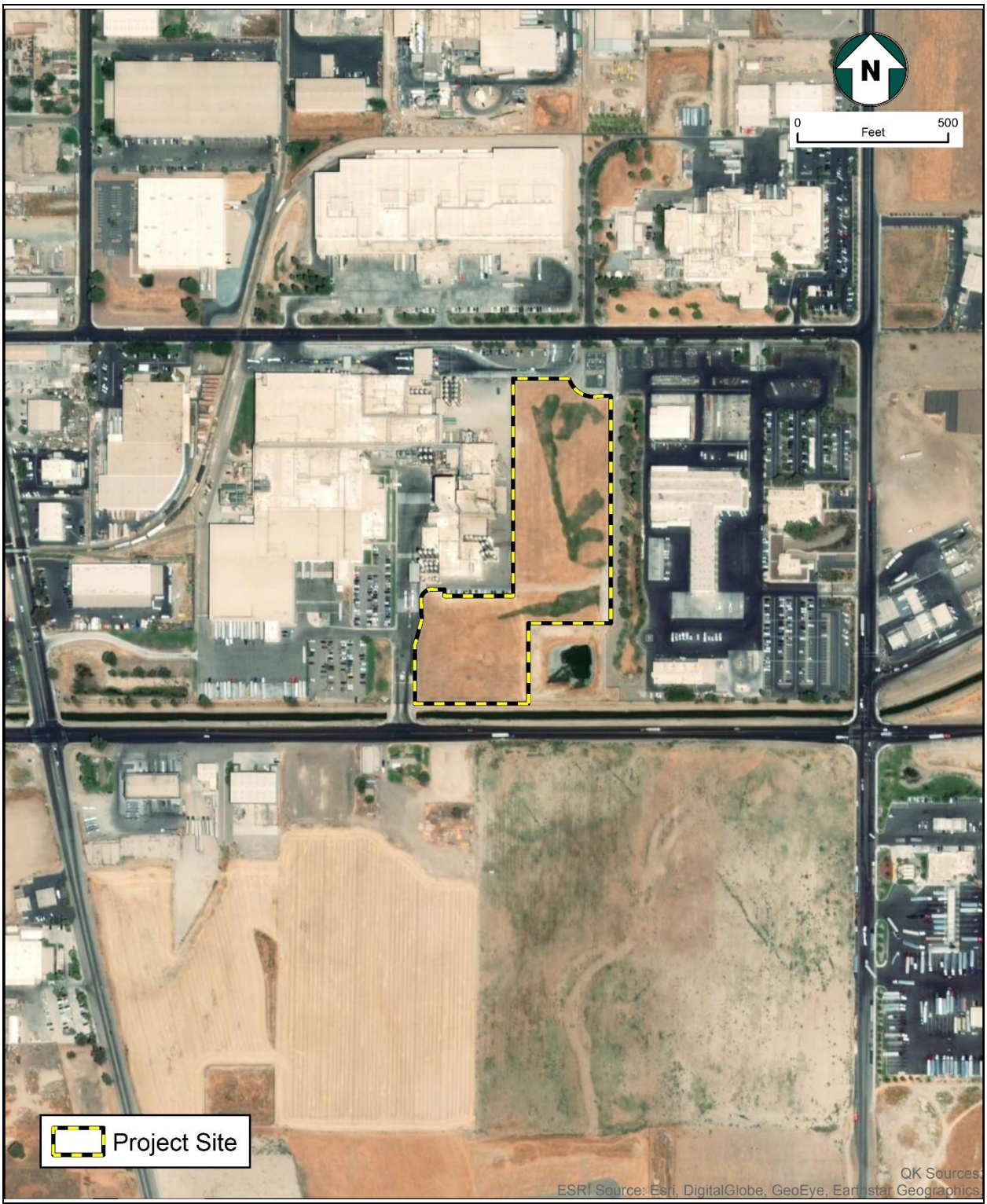

Figure 2-2
Project Site

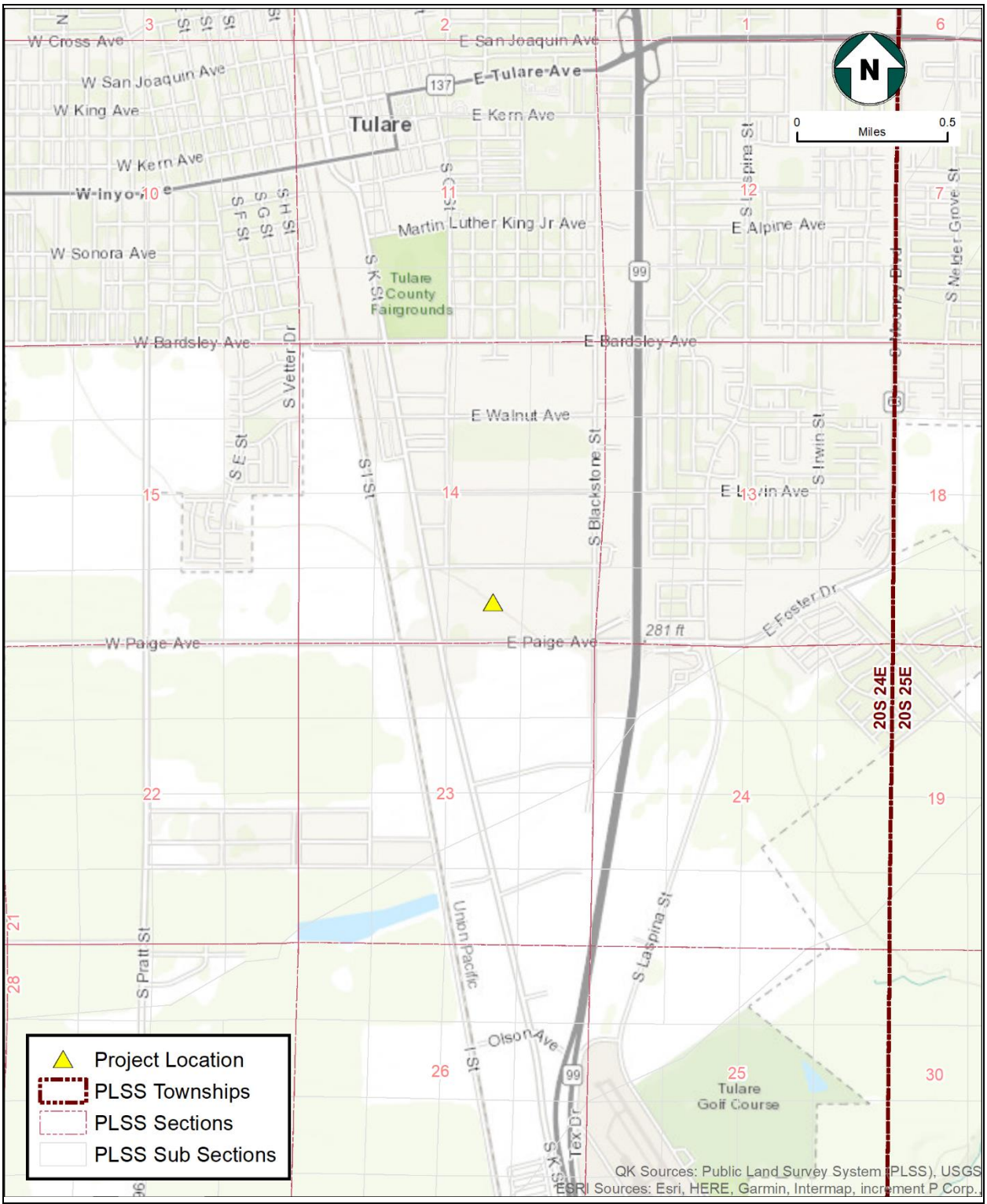

Figure 2-3
Project Area PLSS

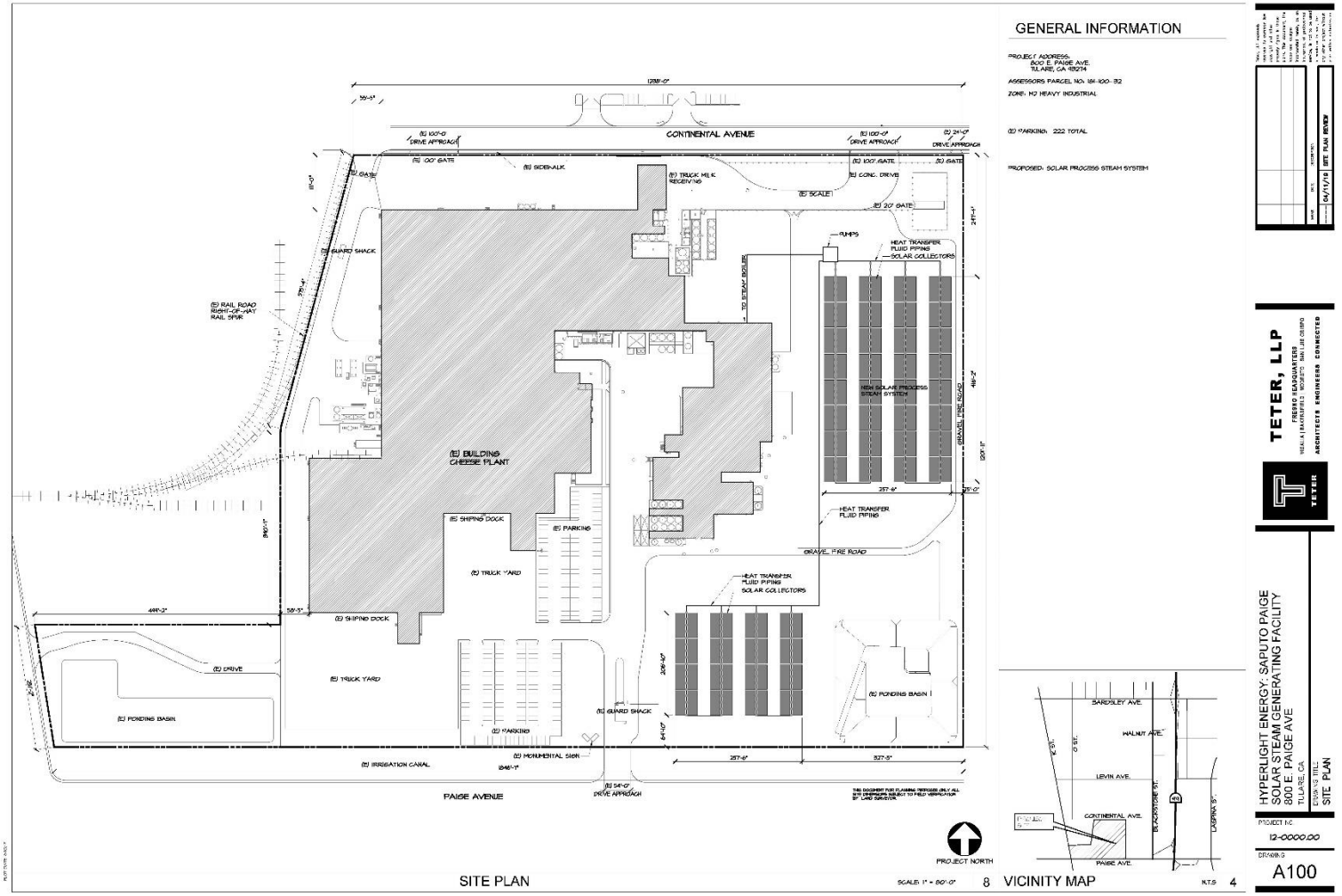

Figure 2-4
Site Plan

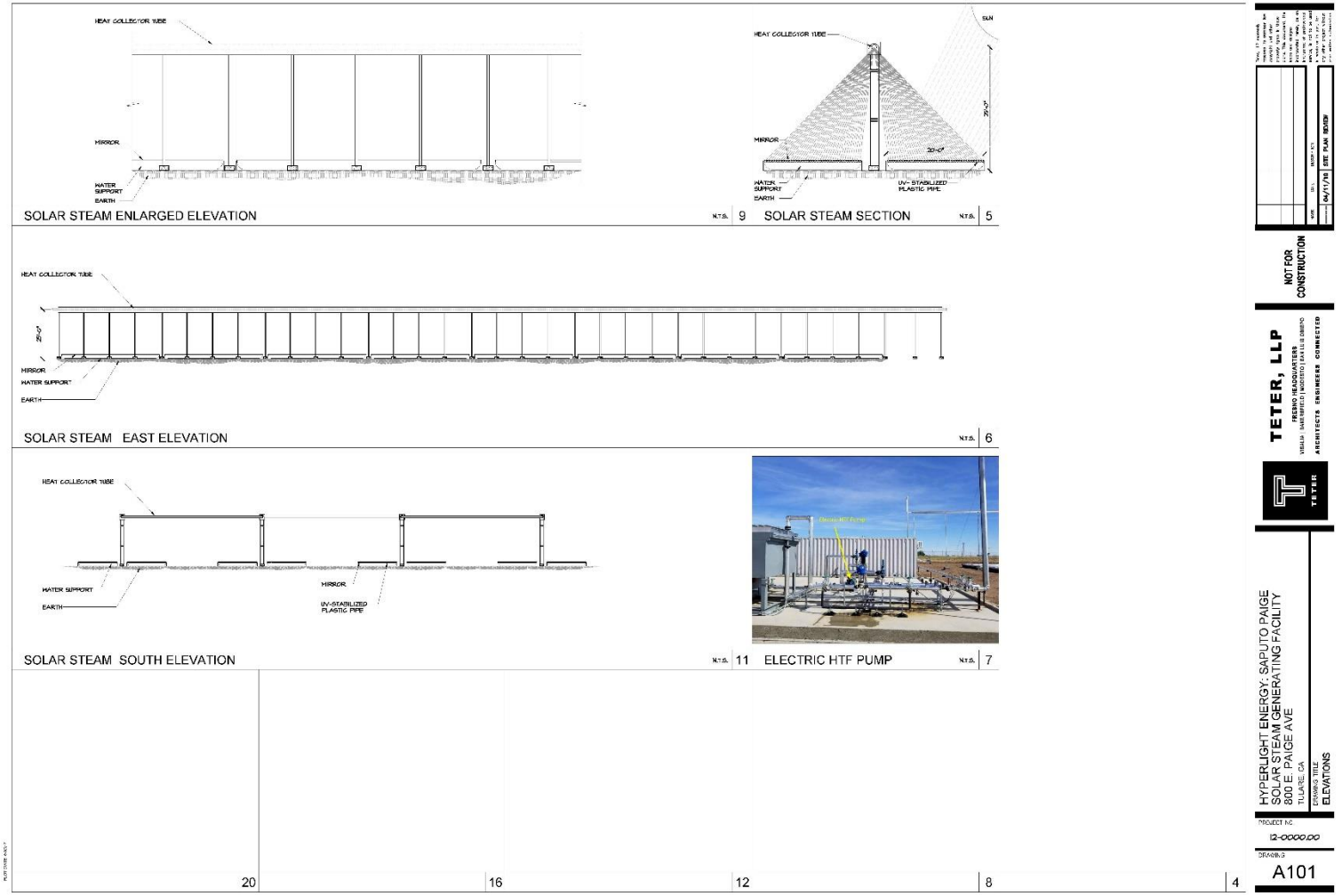

Figure 2-5
Site Plan

Operational Equipment

Description	Motor Size	Type	Oper Factor	Oper kW
HTF pumps (2)	30 hp	VFD	80%	~20
SCADA Controls	N/A			
Total Kw				~20

SCADA = Supervisory Control and Data Acquisition

Water Usage

Operational water usage is estimated to be approximately 1,000 to 3,000 gallons per month for cleaning of the solar facility.

Parking

Existing parking will be accessible in existing paved parking lots.

Hours of Operation

The facility will be operational when the sun is up, 365 days per year.

Staffing and Traffic

Once operational, the system will not require additional onsite staff. Cleaning personnel will be on site to clean the system once per month. The system will be remotely monitored, and in the event of a malfunction or other unplanned upset, maintenance staff will be sent to the site for repair.

For this environmental analysis, unless specifically differentiated, the solar facility area will be referred to as the "Project" or "Project area."

SECTION 3 - INITIAL STUDY

3.1 - Environmental Checklist

1. **Project Title:**

   Saputo Cheese Paige Plant Renewable Energy Project

2. **Lead Agency Name and Address:**

   City of Tulare
   411 East Kern Avenue
   Tulare, CA 93274

3. **Contact Person and Phone Number:**

Mario Anaya, Principal Planner (559-684-4223)

4. **Project Location:**

   800 East Paige Avenue
   Tulare, CA 93274

5. **Project Sponsor's Name and Address:**

   Teter, LLP
   7535 North Palm Avenue, Suite 201
   Fresno, CA 93711

6. **General Plan Designation:**

   M-2 Heavy Industrial

7. **Zoning:**

   M-2 Heavy Industrial

8. **Description of Project:**

   Please see *Section 2.4 above – Project Description*

9. **Surrounding Land Uses and Setting:**

   Please see *Section 2.3 above – Surrounding Land Uses*

10. Other Public Agencies Whose Approval May be Required:

- California Department of Fish and Wildlife (CDFW)
- San Joaquin Valley Air Pollution Control District
- Regional Water Quality Control Board-- Lahontan (RWQCB)
- California Energy Commission (CEC)

11. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

California Native American tribes traditionally and culturally affiliated with the Project area have not contacted the City requesting consultation of proposed Projects pursuant to AB 52, Public Resources Code (PRC) Section 21080.3.1.

3.2 - Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to Projects like the one involved (e.g., the Project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance.

3.3 - Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ 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 and Traffic	☐ Tribal Cultural Resources	☐ Utilities and Service Systems
☐ Mandatory Findings of Significance		

3.4 - Determination

On the basis of this initial evaluation:

☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature — Date: 7/17/2019

Mario A. Anaya, Principal Planner — Printed Name

City of Tulare — For

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.1 - AESTHETICS					
Except as provided in Public Resources Code Section 21099, would the Project:					
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c.	In non-urbanized areas, 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?	☐	☐	☒	☐
d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

Impact #3.4.1a – Would the Project have a substantial adverse effect on a scenic vista?

There are no State or county designated scenic vistas in the vicinity of the proposed Project site. The General Plan does not designate the proposed Project site as scenic or an area having highly valued scenic resources (City of Tulare, 2013).

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.1b – Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Project site is in a heavy industrial area in the City of Tulare. The area contains predominantly industrial uses such as construction yards, quarrying, and factories.

There are no State designated scenic highways within the immediate proximity of the Project site (California Department of Transportation, 2011). In addition, no scenic highways or roadways are listed within the Project area in the City of Tulare 2035 General Plan (City of Tulare, 2013). Based on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR) and the City of Tulare General Plan, no historic buildings exist on the Project site. The nearest building on the NRHP and CRHR is over two miles from the Project site. Minor grading is anticipated but will not substantially change the topography or change the current visual character of the Project location. Therefore, the Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.1c – In non-urbanized areas, 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 points). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

The proposed Project is located in an urban area that is substantially degraded visually by existing industrial uses. The Project will consist of the installation of a concentrated solar power facility adjacent to the existing industrial use. The features of the solar plant are similar in visual character to the surrounding operations, so the facility will not be unique from the surrounding visual setting. The facility's appearance would not substantially change or degrade the visual character of the Project site. The Project would not conflict with any zoning designations or other applicable regulations governing scenic quality. Therefore, the Project would not result in a substantial impact to the visual quality of the area.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.1d – Would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Construction of the proposed Project would generally occur during daytime hours, typically from 7:00 a.m. to 6:00 p.m. All lighting would be directed downward and shielded to focus illumination on the desired work areas only and prevent light spillage onto adjacent properties. Because lighting used to illuminate work areas would be shielded, focused downward, and turned off by 6:00 p.m., the potential for lighting to affect anyone adversely is minimal.

The solar facility would function from sunrise to sundown, 365 days per year. All lighting associated with this Project will be directed downward and shielded to focus illumination on the Project site only and prevent light spillage onto adjacent properties.

Project components would be constructed out of materials that would not induce glare. The California Department of Transportation- Division of Aeronautics specifically studied the potential for glare impacts generated, to determine if the proposed solar technology would negatively affect aircraft and military operations. Based on their study, it was determined that the solar technology did not create unusual turbulence or glare distraction levels that would pose a threat to aircraft (Caltrans, 2007).

Routine facility maintenance and repair activities will be conducted during daylight hours. Construction would occur during daylight hours only, so no overnight construction lighting would be necessary. Construction lighting would only be used for twilight hours, ending at 6:00 p.m. each day. Based on this analysis the Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area or create a significant impact to aeronautical operations.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.2 - AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

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 nonagricultural use?	☐	☐	☐	☒
b.	Conflict with existing zoning for agricultural use or a Williamson Act Contract?	☐	☐	☐	☒
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

Impact #3.4.2a – Would the Project 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 nonagricultural use?

The Project site is designated as urban and built up land by the Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) (CA Department of Conservation, 2016). Therefore, there is no impact.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2b – Would the Project conflict with existing zoning for agricultural use or a Williamson Act Contract?

The Project site is located in the M-2 zone district. The Project would not conflict with the existing zoning for agricultural land use or a Williamson Act contract. Therefore, there is no impact.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2c – Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

There is no forest or timberland on the Project site or surrounding area, and the Project site and surrounding area is within the M-2 zone district. The Project will have no impact on land designated for forest land use.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2d – Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

As noted in Impact #3.4.2c, above, there is no designated forest or timberland on the Project site or surrounding area, and the Project site and surrounding area is zoned Heavy Industrial (M-2). The Project will not convert land designated for forest land use.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.2e – Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The Project site and surrounding area is zoned Heavy Industrial (M-2). The Project will not result in the conversion of surrounding agricultural lands to a non-agricultural use.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.3 - AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:

a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

The Project is located within the San Joaquin Valley Air Basin (SJVAB) in Tulare County and is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD acts as the regulatory agency for air pollution control in the Basin and is the local agency empowered to regulate air pollutant emissions for the plan area.

Discussion

The Project proposes to install a five-acre concentrated solar power array on previously disturbed, but presently unused land adjacent to the existing cheese production facility on a 40-acre parcel. During construction, an anticipated five to 10 employees will be on site. Traffic to the Project site is anticipated to be approximately 10 round trips per day. During the most intensive period of construction, two additional diesel trucks with construction equipment and materials would be required. This period is estimated to last approximately one month. The construction and operation of the proposed Project would be subject to applicable SJVAPCD rules and requirements.

The Project is located on a parcel that has the appropriate zoning and General Plan designation and is surrounded by other industrial uses. The City's updated General Plan FEIR analyzed the existing and potential industrial uses on land designated and zoned for industrial uses.

These rules and regulations may include compliance with the SJVAPCD's Regulation VIII (Fugitive PM10 Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4002 (National Emissions Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and other applicable regulations.

The SJVAPCD's *Guidance for Assessing and Mitigating Air Quality Impacts* (GAMAQI) thresholds are designed to implement the general criteria for air quality emissions as required in the CEQA Guidelines, Appendix G, Paragraph III (Title 14 of the California Code of Regulations §15064.7) and CEQA (California Public Resources Code §21000 et. al). SJVAPCD's specific CEQA air quality thresholds are presented in Table 3.4.3-1.

Table 3.4.3-1
SJVAPCD Pollutant Thresholds of Significance

Criteria Pollutant	Significance Level	
	Construction (tons/year)	Operational (tons/year)
CO	100 tons/yr	100
NO_x	10	10
ROG	10	10
SO_x	27	27
PM_{10}	15	15
$PM_{2.5}$	15	15

(SJVAPCD, 2015)

Impact #3.4.3a – Would the Project conflict with or obstruct implementation of the applicable air quality plan?

The SJVAB is designated nonattainment of State and federal health-based air quality standards for ozone and $PM_{2.5}$. The SJVAB is designated nonattainment of State PM_{10}. To meet Federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- 2016 Ozone Plan;
- 2007 PM_{10} Maintenance Plan and Request for Redesignation; and,
- 2016 $PM_{2.5}$ Plan.

Air quality impacts from proposed projects within Tulare County are controlled through policies and provisions of the SJVAPCD and the 2035 City of Tulare General Plan (City of Tulare, 2013). In order to demonstrate that a proposed project would not cause further air quality degradation in either of the SJVAPCD's plan to improve air quality within the air basin or federal requirements to meet certain air quality compliance goals, each project should also demonstrate consistency with the SJVAPCD's adopted Air Quality Attainment Plans (AQAP) for O_3 and PM_{10}. The California Clean Air Act (CCAA) requires air pollution control districts with severe or extreme air quality problems to provide for a five percent reduction in non-attainment emissions per year.

The Tulare County Association of Governments (TCAG) Air Quality Conformity Analysis demonstrates that the 2019 Federal Transportation Improvement Program (2019 FTIP) and 2018 Regional Transportation Plan (2018 RTP) in Tulare County would not hinder the efforts set out in the CARB's SIP for each area's non-attainment pollutants (CO, O_3, PM_{10} and $PM_{2.5}$).

The CCAA and AQAP identify transportation control measures as methods to further reduce emissions from mobile sources. Strategies identified to reduce vehicular emissions such as reductions in vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, and traffic congestion, in order to reduce vehicular emissions, can be implemented as control measures under the CCAA as well. The proposed Project is not anticipated to exceed SJVAPCD thresholds for criteria pollutants during construction or operations and impacts are considered less than significant (see Impact #3.3.3b).

No employment or population growth is anticipated as a result of the Project that would conflict with the provisions of the AQAP, conclusions may be drawn from the following criteria:

- The findings of the analysis show that the Project's lack of permanent employee increases does not contribute to any unplanned growth in the area; and
- That, by definition, the proposed emissions from the Project are below the SJVAPCD's established emissions impact thresholds.

Based on the above analysis presented, the Project is anticipated to be consistent with the AQAP, RTP, and TCAG Air Quality Conformity Analysis.

Short-term Emissions

Short-term emissions, as a result of the Project, would result from the construction phase of the proposed Project. Construction is anticipated to take approximately 10-12 months to complete. Construction activities would include the usage of a grader, loader, stick boom, reach lift, service trucks, trencher, and mobile generator. Grading will be minimal. The main source of short-term emissions would be the exhaust from these vehicles and equipment; however, these emissions would be temporary in nature and are not expected to result in the exceedance of any applicable thresholds or regulations.

Long-term Emissions

Long-term emissions are caused by operational mobile, area, and stationary sources. Long-term emissions would consist of the following components.

- Fugitive Dust Emissions

Operation of the Project site at full build-out is not expected to present a substantial source of fugitive dust (PM_{10}) emissions. The main source of PM_{10} emissions would be from

vehicular traffic associated with the existing cheese facility; no new employees are needed for the Project once operational.

PM_{10} on its own as well as in combination with other pollutants creates a health hazard. The SJVAPCD's Regulation VIII establishes required controls to reduce and minimizing fugitive dust emissions. The following SJVAPCD Rules and Regulations may apply to the proposed Project:

- Rule 4102 - Nuisance
- Regulation VIII – Fugitive PM_{10} Prohibitions
- Rule 8011 - General Requirements
- Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities
- Rule 8041 - Carryout and Trackout
- Rule 8051 - Open Areas
- The Project design complies with applicable standards set forth in Title 24 of the Uniform Building Code to minimize total consumption of energy.
- Applicants will be required to comply with applicable mitigation measures in the AQAP, SJVAPCD Rules, Traffic Control Measures, Regulation VIII, and Indirect Source Rules for the SJVAPCD.
- The developer shall comply with the provisions of SJVAPCD Rule 4601 - Architectural Coatings during the construction of all buildings and facilities. Application of architectural coatings shall be completed in a manner that poses the least emissions impacts whenever such application is deemed proficient.
- The applicant shall comply with the provisions of SJVAPCD Rule 4641 during the construction and pavement of all roads and parking areas within the Project area. Specifically, the applicant shall not allow the use of:
  - Rapid cure cutback asphalt;
  - Medium cure cutback asphalt; and
  - Slow cure cutback asphalt (as specified in SJVAPCD Rule 4641, Section 5.1.3); or Emulsified asphalt (as specified in SJVAPCD Rule 4641, §5.1.4).
- The developer shall comply with applicable provisions of SJVAPCD Rule 9510 (Indirect Source Review).

The Project would comply with applicable SJVAPCD rules and regulations, local municipal codes, policies and measures. The Project is not expected to result in a substantial emissions of fugitive dust.

- Exhaust Emissions

Project-related transportation activities from employees and maintenance would generate mobile source ROG, NOx, SOx, CO, PM_{10} and $PM_{2.5}$ exhaust emissions. Exhaust emissions would vary substantially from day to day but would average out over the course of an operational year. The variables factored into estimating total Project emissions include level of activity, site characteristics, weather conditions, and number of employees. As the Project

is not expected to generate an adverse change in current activity levels, substantial emissions are not anticipated.

- Stationary Source Emissions

There are no stationary sources of emissions included as part of the proposed Project.

MITIGATION MEASURE(S)

No mitigation measures are required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.3b – Would the Project 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?

The nonattainment pollutants for the SJVAPCD are O_3, PM_{10} and $PM_{2.5}$. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM_{10}, and $PM_{2.5}$.

The most recent, certified SJVAB Emission Inventory data available from the SJVAPCD is based on data gathered for the 2015 annual inventory. This data will be used to assist the SJVAPCD in demonstrating attainment of Federal 1-hour O_3 Standards. Table 3.4.3-2 provides a comparative look at the impacts proposed by the proposed Project to the SJVAB Emissions Inventory.

Table 3.4.3-2
Comparative Analysis of Tulare County on SJVAB 2015 Inventory

Emissions Inventory Source	Pollutant (tons/year)					
	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Tulare County – 2012[1]	20,958	58,729	12,731	376	24,327	14,345
SJVAB - 2015[2]	119,063	123,808	245,390	3,103	96,616	23,214

Notes:
[1] (California Air Resources Board, 2013)
[2] This is the latest inventory available as of June 2019, excluding natural sources.

Table 3.4.3-3 provides CARB Emissions Inventory Projections for the year 2020 for both the SJVAB and Tulare County. Looking at the SJVAB Emissions predicted by the CARB year 2020 emissions inventory, the Tulare County portion of the air basin is a moderate source of the emissions.

Table 3.4.3-3
Emissions Inventory Tulare County 2030 Estimated Projection (tons/year)

	ROG	NO_X	PM_{10}
Total Emissions	44.534	12.133	35.514
Total Stationary Source Emissions	6.81	1.74	1.74
Total Area-Wide Source Emissions	33.638	0.918	32.638
Total Mobile Source Emissions	4.086	9.473	1.136

Source: (California Air Resources Board, 2013). Note: Total may not add due to rounding and exclusion of natural sources.

As shown above, the proposed Project would pose minimal impact on regional O_3 and PM_{10} formation. Because the regional contribution to these cumulative impacts would be negligible, the Project would not be considered cumulatively considerable in its contribution to regional O_3 and PM_{10} impacts.

Based on the analysis above, the proposed Project does not pose a substantial increase to air basin emissions, as such air basin emissions would be essentially the same if the Project is approved. Therefore, the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.3c – Would the Project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as locations where young children, chronically ill individuals, the elderly, or people who are more sensitive than the general population reside, such as schools, hospitals, nursing homes, residential areas and daycare centers. As noted in *Section 3.4.12- Noise*, the nearest residences to the proposed Project site are approximately 0.3 miles to the east. The nearest school to the Project site is located approximately 0.5 miles to the northeast.

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SJVAPCD provides screening criteria to determine when to quantify local CO concentrations based on impacts to the level of service (LOS) of roadways in the Project vicinity.

This proposed Project would result in the construction of an approximately three-acre solar facility adjacent to an existing industrial use. Construction of the proposed Project would result in short-term, minor increases in traffic to the surrounding road network by

generating an estimated 10 roundtrips per construction day during the construction period and no additional daily trips during the operational period. The minor increase in trips would not substantially lower the LOS. Therefore, the Project would not generate, or substantially contribute to, additional traffic that would exceed State or federal CO standards.

GAMAQI recommends that lead agencies consider situations wherein a new or modified source of hazardous air pollutants (HAPs) is proposed for a location near an existing residential area or other sensitive receptor when evaluating potential impacts related to HAPs. Typical sources of HAPs include diesel trucks or permitted sources such as engines, boilers or storage tanks. The Project does not include the use of these types of diesel or gasoline-run equipment. Diesel trucks will be used during construction, but once operational, no new vehicles will be required. Existing staff will maintain the solar facility, and no new employees are anticipated.

Airborne Fungus (Valley Fever)

Coccidioidomycosis, often referred to as San Joaquin Valley Fever or Valley Fever, is one of the most studied and oldest known fungal infections. Valley Fever most commonly affects people who live in hot dry areas with alkaline soil and varies with the season. This disease, which affects both humans and animals, is caused by inhalation of arthroconidia (spores) of the fungus *Coccidioides immitis* (CI). CI spores are found in the top few inches of soil and the existence of the fungus in most soil areas is temporary. The cocci fungus lives as a saprophyte in dry, alkaline soil. Agricultural workers, construction workers, and other people who work outdoors and who are exposed to wind and dust are more likely to contract Valley Fever.

Although grading will be minimal, the proposed Project has the potential to generate fugitive dust and suspend Valley Fever spores with the dust that could then reach nearby sensitive receptors. It is possible that onsite workers could be exposed to valley fever as fugitive dust is generated during construction. The included mitigation measures in this section would provide training and personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. Therefore, the exposure to Valley Fever would be minimized. With the implementation of the mitigation measures, dust from the construction of the proposed Project would not add significantly to the existing exposure level of people to this fungus, including construction workers, and impacts would be reduced to less than significant levels.

MITIGATION MEASURE(S)

MM AQ-1: During Project construction the following measures shall be implemented:

- When exposure to dust is unavoidable for workers who will be disturbing the top two to 12 inches of soil, provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)."

- Train workers and supervisors about the risk of Valley Fever, the work activities that may increase the risk, and the measures used onsite to reduce exposure. Also train on how to recognize Valley Fever symptoms.
- Encourage workers to report Valley Fever symptoms promptly to a supervisor. Not associating these symptoms with workplace exposures can lead to a delay in appropriate diagnosis and treatment.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant impact with mitigation incorporated*.

Impact #3.4.3d – Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

SJVAPCD identifies some common types of facilities that have been known to produce odors in the SJVAB (SJVAPCD, 2015). These can be used as a screening tool to qualitatively assess a Project's potential to adversely affect area receptors.

The Project is a closed system and does not contain any substances or processes that are anticipated to generate objectionable odors. Because the operations of the Project are not expected to cause a public nuisance due to odor and the anticipated Project site is not listed in the GAMAQI as a source that would create objectionable odors, the Project is not expected to be a source of objectionable odors.

Based on the provisions of the GAMAQI, the proposed Project would not exceed any screening trigger levels to be considered a source of objectionable odors or odorous compounds. As such, the proposed Project would not be a source of any odorous compounds nor would it likely be impacted by any odorous source.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.4 - BIOLOGICAL RESOURCES				
Would the Project:				
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 Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
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?	☐	☒	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

A desktop review of available data was conducted to determine whether there are sensitive biological resources that might be adversely affected by the proposed Project. The evaluation is based upon existing site conditions, the potential for sensitive biological resources to occur

on and in the vicinity of the Project site, and any respective impacts that could potentially occur.

In addition to providing an evaluation of the Project's impacts to biological resources, the report includes a detailed description of the regulatory environment as it relates to biological resources.

A literature search of the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDB) (CNDDB 2019), California Native Plant Society (CNPS 2019), and United States Fish and Wildlife Service Endangered Species List (USFWS 2019) was conducted to identify special-status plant and wildlife species with the potential to occur within the Project site and vicinity (the surrounding nine quads and a 10-mile radius). The results of the database inquiry were subsequently reviewed to evaluate the potential for occurrence of special-status species on or near the Project site prior to conducting the biological reconnaissance survey.

The surrounding properties to the Project site are predominantly developed with heavy industrial uses and is highly disturbed by urban development and infrastructure. There is undeveloped land to the south, and some cultivated fields approximately 0.25 miles to the west.

Impact #3.4.4a – 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The literature search determined that there is a potential for several special-status species to be present within a 10-mile radius of the Project. An evaluation of each of the potential special-status species, which included habitat requirements, the likelihood of required habitat to occur within the Project site, and a comparison to the CNDDB records was conducted. The results of this evaluation concluded that no special-status plant or wildlife species are anticipated to occur on or near the Project site, with the exception of the San Joaquin kit fox and Swainson's hawk, who could potentially occur as transient foragers on or near the Project site.

General Wildlife and Plant Setting

The three-acre Project site has been maintained and is covered with grass, while the remaining portion of the parcel is completely developed with the existing Saputo cheese processing factory. There is very little probability that wildlife species would inhabit the Project site and immediate surrounding area due to the moderate to heavily disturbed urban development.

Sensitive Habitats and Special-Status Species

SPECIAL-STATUS WILDLIFE

Protocol survey for specific special-status wildlife species were not conducted for this report as it was determined by the consulting biologist that such surveys were not warranted due to the condition of the Project site.

A review of the CNDDB indicates that there are eight plant species and 13 wildlife species found within a 10-mile buffer of the Project site. Of the 21 species, a total of 19 can be eliminated from consideration due to the lack of suitable habitat within the Project site. The remaining two species - Swainson's hawk and San Joaquin kit fox, have a low potential to inhabit the Project site, but as noted, could occur as transient foragers.

San Joaquin Kit Fox

San Joaquin kit fox (*Vulpes macrotis mutica*) has a low potential to occur within the Project site. However, the species may use the Tulare canal as a movement corridor. There is a low potential for SJKF to reside or forage in the agricultural fields to the west of the Project site, or the undeveloped property to the south, due to the lack of suitable habitat. However, the species is known to occur in the vicinity of the Project and could potentially be present from time to time as transients.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) are known to forage in open agricultural fields, such as hay or alfalfa. There are parcels approximately 0.25 miles west of the Project site that are currently used for agricultural production. Swainson's hawk may be in the vicinity as foragers near the Project site.

Tipton kangaroo rat

Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) are limited to the arid-landscape found on the Valley floor of the Tulare Basin. They are typically found in areas of scattered woody shrubs and ground cover of typically non-native or native annual grasses and forbs. They predominately feed on seeds with some herbaceous vegetation and insects. Due to the lack of suitable foraging habitat, there is low potential for the Tipton kangaroo rat to reside or forage on the Project site.

Blunt nosed leopard lizard

Blunt-nosed leopard lizard *(Gambelia sila)* inhabit open, with sparsely vegetated areas within the San Joaquin Valley at lower elevations. They predominately feed on insects (i.e. grasshoppers, and crickets) and other lizards. Due to the lack of suitable foraging habitat, there is low potential for the blunt-nosed leopard lizard to reside or forage in the vicinity of the Project site.

Conclusion

With the exception of the Swainson's hawk and San Joaquin kit fox, no special-status species are likely to inhabit the Project site, although they may be in the area as transient foragers.

SPECIAL-STATUS PLANTS

There are eight plant species identified by the CNDDB that are found within a 10-mile buffer of the Project site. However, based on the heavily disturbed and developed Project site, it is highly unlikely that a listed plant species would occur in the Project area.

The Project site and surrounding area has been heavily disturbed with industrial uses for years. The Project site and vicinity does not provide suitable habitat for any of these special-status plant species.

Although protocol level botanical surveys were not conducted for plant species, it is not anticipated that any special-status plant species will be encountered on the Project site.

Through implementation of mitigation measures listed below, impacts of the proposed Project would not 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 Wildlife or U.S. Fish and Wildlife Service. Therefore, the Project will have a less than significant impact with incorporation of mitigation measures.

MITIGATION MEASURE(S)

MM BIO-1: Prior to ground disturbing activities a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, Tipton kangaroo rat, other special-status species or signs of, and sensitive natural communities. The pre-construction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the Project site and the 50-foot buffer, where feasible.

Exclusion zones for kit fox shall be placed in accordance with U.S. Fish and Wildlife Service (USFWS) Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50-foot radius

Buffer zones shall be considered Environmentally Sensitive Areas (ESAs) and no ground disturbing activities shall be allowed within a buffer area. The United States Fish and Wildlife

Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted upon the discovery of any natal or pupping dens.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Worker Environmental Awareness Program (WEAP) shall be conducted for all employees, contractors, or other personnel involved with the Project prior to the commencement of ground disturbing activities. The training shall consist of a brief presentation by a qualified biologist and include the following: a description of special-status species with the potential to occur in the Project area and their habitat needs, a report of occurrence of special-status species in the Project area, an explanation of the listing status of said species, a list of avoidance and minimization measures to be implemented, and violations associated with the federal and State endangered species acts. A fact sheet conveying this information should be available to all personnel upon entering the Project site and a sign-in sheet shall be maintained and made available to the District, USFWS, and CDFW.

MM BIO-3: During all construction-related activities, the following mitigation shall apply:

k. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site.
l. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds should not exceed 20 miles per hour (mph) within the Project site.
m. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.
n. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe

is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

o. No pets, such as dogs or cats, shall be permitted on the Project sites to prevent harassment, mortality of kit foxes, or destruction of dens.
p. Use of anti-coagulant rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
q. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
r. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
s. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below.
t. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.

MM BIO-4: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project sites, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist in coordination with the California Department of Fish and Wildlife shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so

that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable state regulations.

MM BIO-5: If Swainson's hawk are observed during the preconstruction clearance survey and construction of the Project occurs during Swainson's hawk breeding season (February 1 through September 15), no more than 10 days prior to the commencement of construction, the following shall be implemented:

Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the Project site and pipeline route. The survey methodology shall be consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000). At a minimum, two sets of surveys shall be conducted between March 20 and April 20. If no nests are observed, no further action is necessary.

If active Swainson's hawk nests are observed within 0.5 miles of the Project, appropriate avoidance and minimization measures shall be implemented under direction of a qualified biologist in coordination with the California Department of Fish and Wildlife. A copy of the survey results shall be submitted to the City of Tulare Planning Division.

MM BIO-6: The measures listed below shall be implemented prior to and during construction at the Project site, if small mammal burrows are noted during the preconstruction survey, to protect the Tipton kangaroo rats or other special-status small mammals:

- All construction activity shall occur during daylight when kangaroo rats are less active.
- A biologist shall inspect areas with a potential for kangaroo rat burrows within 14 days prior to construction. If potential burrows are found in construction areas, trapping shall be conducted for a minimum of three nights with at least one trap per active burrow. If Tipton kangaroo rats are captured, consultation with California Department of Fish and Wildlife is required.
- During operations, no small mammal burrows shall be removed without first being inspected by a qualified biologist. If it is essential to move a burrow, trapping shall occur for three consecutive nights. If Tipton or other listed small mammals are observed, consultation with California Department of Fish and Wildlife shall occur to determine subsequent actions.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4b – Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

There are no sensitive natural communities with the potential to occur within 10 miles of the Project site. The Project site is highly disturbed, surrounded by disturbed industrially developed land and does not provide habitat to maintain these communities. Although protocol-level botanical surveys were not conducted, it is unlikely that these habitat communities exist in the Project area due to heavy disturbance of the Project site and surrounding vicinity. There are no anticipated impacts to sensitive natural communities as a result of the proposed Project.

Riparian habitat is defined as lands that are influenced by a river, specifically the land area that encompasses the river channel and its current or potential floodplain. With respect to sensitive natural communities, due to the extensive agricultural development that has occurred, there are no identified sensitive natural communities located within or in close proximity to the site. The proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Therefore, the Project's impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.4c – Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. As shown in Figure 3.4.4-1, there are no federally protected wetlands or vernal pools that occur within the Project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State jurisdiction under Section 1602 of the California Fish and Game Code. There are no features on the Project site that would meet the criteria for either federal or State jurisdiction. No waters of the U.S., including wetlands, or waters of the State were observed on the Project site. Therefore, the Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA. The Tulare Canal runs adjacent to the

southerly Project boundary. However, the Project site is surrounded by a chain link fence and activities would not be conducted along or in the canal. Therefore, impacts to wetlands or waters as a result of the Project would be considered less than significant.

Accordingly, there are no wetlands or Waters of the U.S. occurring on the Project site. There would be no impact to federally protected wetlands or waterways as a result of the proposed Project. Therefore, impacts would be considered less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.4d – Would the Project 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?

Although the Project site is not situated within any regionally important wildlife movement corridor, the Tulare Canal may act as a movement corridor. However, the area surrounding the Project site is heavily urbanized, disturbed, and/or developed. Additionally, since no Project activities would occur within or on the banks of the Tulare Canal, impacts to wildlife linkages or movement corridors are unlikely to occur as a result of the Project. With implementation of Mitigation Measures MM BIO-1 through MM BIO-6, the Project would result in less than significant impacts on established wildlife corridors or wildlife nursery sites.

No significant wildlife movement corridors, core areas, or Essential Habitat Connectivity areas occur on or near the Project site. The survey conducted for the Project did not result in evidence of a wildlife nursery being present on the Project site or immediate surrounding area, and there is no aquatic habitat to support fish species. The Tulare Canal running to the south of the Project area may be utilized by some wildlife species as a migratory corridor. However, the site is completely fenced and there is no native habitat in the vicinity of the Project site for wildlife species to in habitat. Additionally, the land surrounding the Project site is already completely disturbed and developed with industrial uses that would limit wildlife movement in the area and eliminate any nursery site.

The proposed Project would not interfere 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. Therefore, the Project's impact would be less than significant.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4e – Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The Project site is located within the City of Tulare and must comply with provisions contained in the 2035 City of Tulare General Plan. The General Plan includes goals, objectives and policies (Conservation and Open Space Element) Goal COS 2 to address the protection of special-status wildlife and their habitats (City of Tulare, 2013)

As noted previously in Impact #3.4.4a, mitigation would require a preconstruction clearance survey prior to any ground disturbance. In addition, if any listed species are observed during the clearance survey, specific avoidance and minimization measures such as buffers and consultation with wildlife agencies will be applied to avoid impacts to biological resources. With the implementation of Mitigation Measures MM BIO-1 through MM BIO-6, impacts to biological resources would be less than significant.

The Project would not conflict with any local policies or ordinances protecting biological resources. Implementation of the proposed Project would have no impact related to policies or ordinances protecting biological resources.

The City's Ordinance for the Preservation of Heritage Trees (City Code Chapter 8.52) would protect heritage trees, however, there are no trees on the Project site.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.4f – Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted habitat conservation plans or natural community conservation plans that would apply to this Project site. The Project site is not located within the boundaries of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan or any other local, regional, or State conservation plan.

Therefore, implementation of the proposed Project would have no conflict related to an adopted habitat conservation plan or natural community conservation plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Figure 3.4.4-1
Wetlands and Hydrology

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.5 - CULTURAL RESOURCES				
Would the Project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion

Impact #3.4.5a – Would the Project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

The 2035 City of Tulare General Plan Transit-Oriented Development Plan, and Climate Action Plan Resource Environmental Impact Report states that the city has a number of historical sites, one of which is included on the National Register of Historic Places, two are designated as California Historical Landmarks, and the remaining are identified as being historic sites of local importance (City of Tulare, 2013). The proposed Project is located within a predominantly industrial area and does not contain any listed historic resources, nor is it located within an identified historic district. The Project would have no impact on registered historic resources.

The records search covered an area within 0.5 miles around the Project site included a review of the National Register of Historic Places (NRHP), California Points of Historical Interest, California Registry of Historic Resources (CRHR), California Historical Landmarks, California State Historic Resources Inventory, and a review of cultural resource reports on file.

No California Native American tribes traditionally and culturally affiliated with the Project area have provided their contact information to the Lead Agency requesting consultation of proposed Projects pursuant to AB 52, Public Resources Code (PRC) Section 21080.3.1.

Although considered unlikely, since there is no recorded evidence or surface evidence of historical or archaeological resources within the Project area or temporary staging area, there is the potential for Project-related excavation and construction to potentially damage or destroy previously undiscovered cultural resources. Cultural resource materials may

include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. This is considered a potentially significant impact. Mitigation is proposed requiring implementation of standard inadvertent discovery procedures to reduce impacts to previously undiscovered subsurface historical resources.

MITIGATION MEASURE(S)

MM CUL-1: If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from Project implementation.

The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery, among other options. Any previously undiscovered resources found during construction within the Project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.5b – Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

See discussion in Impact #3.3.5a, above. Although considered unlikely since there is no indication of any prehistoric resources on the Project site, subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered archaeological resources. Mitigation is proposed requiring implementation of standard inadvertent discovery procedures to reduce potential impacts to previously undiscovered subsurface historic and archaeological resources.

MITIGATION MEASURE(S)

Implement Mitigation Measure MM CUL-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant impact with mitigation incorporated*.

Impact #3.4.5c – Would the Project disturb any human remains, including those interred outside of formal cemeteries?

During the preparation of the 2035 City of Tulare General Plan, a search of the California NAHC Sacred Lands File search revealed no records of known sensitive cultural resources in the vicinity of the Project area (City of Tulare, 2013). Human remains are not known to exist within the Project area. However, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered, possibly in association with archaeological sites. Mitigation Measure MM CUL-2 has been included in the unlikely event that human remains are found during ground-disturbing activities. Implementation of Mitigation Measure MM CUL-1 would further reduce impacts to cultural resources. Impacts would be less than significant with implementation of mitigation.

MITIGATION MEASURE(S)

Implementation of Mitigation Measure MM CUL-1.

MM CUL-2: If human remains are discovered during construction or operational activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant impact with mitigation incorporated*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.6 - ENERGY				
Would the Project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of natural resources, during Project construction?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Discussion

Impact #3.4.6a – Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of natural resources, during Project construction?

The Project is the construction of a three-acre concentrated solar power facility. The energy collected from this system will be in the form of heat and will be used to offset natural gas burned at the existing Saputo facility in order to produce cheese. The Project would use the existing electrical power at the site. New lines would be routed to the system to power the pump(s) for the heat transfer fluid and the control equipment for the solar array.

The Project construction is not anticipated to require a substantial amount of additional energy beyond the existing consumption of the cheese manufacturing facility. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

Impact #3.4.6b – Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

The 2035 City of Tulare General Plan and Climate Action Plan identify the importance in alternative and renewable energy sources for the City's future energy production (City of Tulare, 2013). To improve air quality and achieve greenhouse gas emissions reductions

mandated by recent State legislation (AB 32), sustainable and renewable alternative energy sources including wind, solar, hydroelectric and biomass energy can be promoted, and energy conservation measures encouraged. The Project aligns with these goals by constructing a three-acre solar facility.

As noted in Impact #3.4.8a *Greenhouse Gases,* the Project will not result in the emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF_6), the other gases identified as GHG in AB 32. The Project would also help the City meet the goals as outlined in the CAP regarding the reduction of GHG emissions by encouraging the use of renewable energy sources to offset the use of gasoline, diesel and natural gas.

The proposed Project will comply with all regulations and standards established by the SJVAPCD that have been designed to ensure that the region meets the goals of AB 32, SB 1078, SB 107 and Executive Order S-14-08.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.7 - GEOLOGY AND SOILS				
Would the Project:				
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?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☒	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Discussion

Impact #3.4.7a(i) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

Tulare is located in the San Joaquin Valley, which generally has fewer active faults and is less subject to seismic activity than the California coast and the Sierra Nevada. Tulare's nearest known fault is an unnamed pre-Quaternary fault, which lies approximately 10 miles to the east-northeast near the town of Exeter (City of Tulare, 2013). Tulare and its immediate surroundings do not host any State-designated Alquist-Priolo Fault Zones. The nearest Alquist-Priolo zone and recently active fault lies over 25 miles to the south of Tulare, near the towns of Delano and McFarland (City of Tulare, 2013). Moreover, the California Geological Survey characterizes the city of Tulare as being in an area of relatively low earthquake shaking hazard (City of Tulare, 2013). It should likewise be noted that no earthquake with a magnitude exceeding 5.5 was recorded within 40 miles of Tulare's location between the years 1769 and 2010 (City of Tulare, 2013).

The General Plan contains a number of policies which would minimize impacts relating to the rupture of a known fault. The Project would adhere to all applicable policies of the Tulare General Plan and California Building Code. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.7a(ii) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Fault activity has the potential to result in ground shaking, which can be of varying intensity depending on the intensity of earthquake activity, proximity to that activity and local soils and geology conditions. In Tulare, which is located on alluvial deposits, ground shaking could potentially be greater than in an area located on hard rock (City of Tulare, 2013). The loose sediment present in alluvial deposits can amplify shaking and lead to damage in certain types of buildings, such as unreinforced masonry.

The General Plan contains a number of policies which would minimize impacts relating to the strong seismic ground shaking. The Project would adhere to all applicable policies of the Tulare General Plan and California Building Code.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iii) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismically related ground failure, including liquefaction?

Liquefaction could result in local areas during a strong earthquake or seismic ground shaking where unconsolidated sediments and a high-water table coincide. While the City of Tulare has a high water table and sandy soil, both conditions necessary for liquefaction to occur, the nature of its sandy soil is such that it is less susceptible to liquefaction (City of Tulare, 2013). Further, Tulare is located in an area which experiences less frequent, lower levels of ground shaking than other parts of California. Also, as described above, the General Plan contains a number of policies that would minimize impacts to people or structures relating to the rupture of a known fault, including those associated with new development allowed under the General Plan and Tulare Transit-Oriented Development Plan (TOD Plan). Many of these same policies would also minimize seismic-related ground failure impacts.

Additionally, construction of the proposed solar facility would be subject to applicable ordinances of the City of Tulare Building Code and the 2019 California Building Standards Code (CCR Title 24), which would reduce anticipated impacts related to the seismic activity by requiring project facilities to be built to withstand seismic ground shaking. As a result, impacts would be less than significant

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.7a(iv) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The Project site is currently undeveloped and is essentially flat. Similarly, the surrounding area is predominately flat and developed with industrial uses. The site's topography would not change substantially as a result of Project development. The Project site is essentially flat in nature with no surrounding slopes and it is not considered to be prone to landslides, the Project would not expose people or structures to potential substantial adverse effects from landslides. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

Impact #3.4.7b – Would the Project result in substantial soil erosion or the loss of topsoil?

The Project site contains Colpien loam, as shown in Figure 3.4.7-1, which is characterized as being very deep, moderately well drained soils on terraces that formed in alluvium derived mainly from granitic rocks. The Project involves the construction of a three-acre solar facility adjacent to an existing cheese manufacturing facility. The development of the proposed facility is not expected to subject the site to any extreme erosion problems. As is noted in Impact #3.4.9a, the Project will disturb less than one acre of land the Project and is not required to implement a Stormwater Pollution Prevention Plan (SWPPP). However, the Project would have to identify and incorporate best management practices (BMPs) when submitting building plans to the City, in compliance with the City's municipal separate storm sewer system (MS4) stormwater permit for construction under 1 acre. Best Management Practices will be implemented to ensure that the Project will not impact groundwater quality. The site includes an existing stormwater retention basin in the southeast corner. Stormwater currently is directed to the basin and will continue to do so during construction and operation of the Project.

The Project would not result in substantial soil erosion or loss of topsoil during the construction period or ongoing operations, and impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would be *less than significant.*

Impact #3.4.7d – Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are subject to shrinking and swelling due to changes in moisture content over the seasons. These changes can cause damage or failure of foundations, utilities, and pavements. During periods of high moisture content, expansive soils under foundations can heave and result in structures lifting. In dry periods, the same soils can collapse and result in settlement of structures. As discussed above, the Project site contains Colpien loam. This soil is not characterized as an expansive soil, and is typically suitable for crop farming, dairy/cattle production, and building site development. There are no other soil types

adjacent to the Project site. The Project would comply with all applicable safety regulations and building codes.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less than significant impact.*

Impact #3.4.7e - Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

The Project does not include the construction or usage of a septic tank or alternative wastewater disposal system. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.7f – Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Tulare County General Plan EIR indicates that 12 paleontological resources have been recorded in Tulare County. These resources primarily consist of invertebrate, vertebrate, and plant fossils, and are generally located in the valley portion of the county. Therefore, it is possible that geological formations underlying Tulare have the potential for containing paleontological resources (i.e. fossils).

The Project is not anticipated to require excavation below five feet in depth or excessive grading of on-site soils. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of less than significant.

MITIGATION MEASURE(S)

MM GEO-1: During grading and site preparation activities, if paleontological resources are encountered, all work within 50 feet of the find shall halt until a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards can evaluate the find and

make recommendations. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. The paleontologist shall notify the Tulare County Community Development Agency, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement mitigation measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in PRC Section 21083.2.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

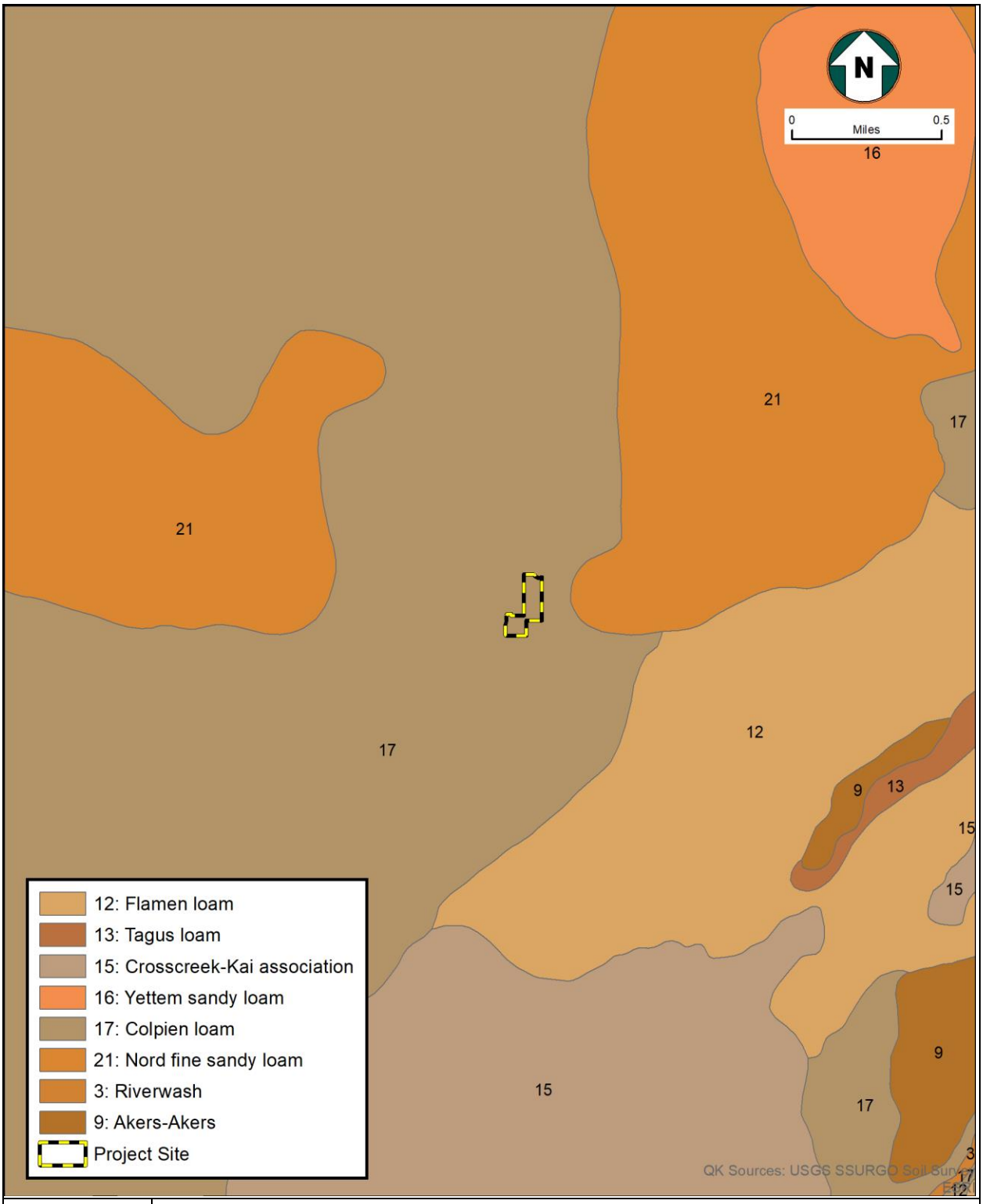

Figure 3.4.7-1
Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.8 - GREENHOUSE GAS EMISSIONS

Would the Project:

a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b.	Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

There have been significant legislative and regulatory activities that directly and indirectly affect climate change and GHGs in California. The primary climate change legislation in California is AB 32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. The California Air Resources Board (ARB) is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming in order to reduce emissions of GHGs. SB 32 was signed by the Governor in 2016, which would require the state board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030.

The City has an adopted Climate Action Plan (CAP) that addresses air quality and GHG emissions (City of Tulare, 2011). It noted that the City emitted approximately 820,291 metric tons of carbon dioxide equivalent ($MTCO_2e$) within the city limits and the Planning Area, which is the existing baseline. $MTCO_2e$ is a universal way to equalize the different potencies of the six internationally recognized greenhouse gases (carbon dioxide, methane, nitrous oxides, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride). The commercial and industrial sectors were by far the largest contributor to emissions (a combined 39 percent). To achieve the State's recommended community wide GHG emissions reduction target of 15 percent below 2006 baseline levels by 2020, the City will need to implement a variety of GHG reduction measures. Reduction measures cover the following topics: energy efficiency and conservation, renewable energy, transportation, solid waste, land use, and agriculture.

CAP Goal 2 specifies that the City should promote and support renewable energy generation strategies to reduce GHG emissions from City operations to contribute to the City's target of 15 percent below 2006 baseline levels by 2020.

Impact #3.4.8a – Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

SJVAPCD's current guidance for valley land use agencies in addressing GHG emission impacts for new Projects acknowledges the absence of numerical thresholds, and recommendations for a tiered approach to establish GHG impacts. Since the SJVAPCD's guidance for addressing GHG impacts does not use numerical thresholds the County has decided to look at the South Coast Air Quality Management District's (SCAQMND) thresholds to determine impacts. Currently SCAQMD has a threshold of 10,000 metric tons of CO_2e per year for construction emissions amortized over a 30-year Project lifetime plus annual operation emissions. Since SCAQMND is the largest metropolitan area within California, this threshold is considered a conservative approach for evaluation the significance of GHG emissions in a more rural area.

The Project is within an area designated and zoned for industrial uses, and the City General Plan and CAP has already analyzed these current uses in the certified EIR. The Project includes the use of construction equipment for up to 12 months duration. It is not anticipated that the temporary use of construction equipment that would result in significant impacts to the environment via emission of GHG. Once operational, the Project will not result in the emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF_6), the other gases identified as GHG in AB 32. By utilizing a renewable energy source such as the Hylux™ CSP system, the Project will offset natural gas burned at the existing Saputo facility, thereby reducing GHG emissions generated. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.8b – Would the Project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The strategies currently being implemented by CARB may help in reducing the Project's GHG emissions and are summarized in Table 3.4.8-1, below. The City's GHG reduction goals is summarized in Table 3.4.8-2, below.

CEQA Guidelines §15130 notes that sometimes the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a Project-by-Project basis. Global climate change is this type of issue. The causes and effects may not be just regional or statewide, they may also be worldwide.

Table 3.4.8-1
CARB Strategies

Strategy	Description of Strategy
Vehicle Climate Change Standards	AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by CARB in Sept. 2004.
Diesel Anti-Idling	In July 2004, CARB adopted a measure to limit diesel-fueled retail motor vehicle idling.
Other Light-Duty Vehicle Technology	New standards would be adopted to phase in beginning in the 2017 model year.
Alternative Fuels: Biodiesel Blends	CARB would develop regulations to require the use of 1% to 4% Biodiesel displacement of California diesel fuel.
Alternative Fuels: Ethanol	Increased use of ethanol fuel.
Heavy-Duty Vehicle Emission Reduction Measures	Increased efficiency in the design of heavy-duty vehicles and an educational program for the heavy-duty vehicle sector.

Table 3.4.8-2
City of Tulare CAP Reduction Goals

GOAL	To Date $MTCO_2e$	2020 $MTCO_2e$	2030 $MTCO_2e$
1: Increase energy efficiency and conservations	-8,180	-139,172	-216,686
2: Promote and support renewable energy generation and use.	-135,613	-218,918	-321,944
3: Shift single-occupancy vehicle trips to alternative modes.	0	-5,149	-11,712
4: Reduce emissions from vehicles.	-111	-31,667	-44,466
5: Increase accessible land use to reduce vehicular trips.	-1,668	-5,793	-11,303
6: Reduce solid waste.	0	-32,507	-57,977
7: Promote low emissions in agriculture.	0	-18,889	-7,408
Total – Local Reductions	-145,571	-452,095	-671,497
Percentage Change from 2006 Emissions	-7%	-16%	87%

Source: (City of Tulare, 2013)

As noted above, the State's recommended community wide GHG emissions reduction target of 15 percent below 2006 baseline levels by 2020, will require a variety of GHG reduction

measures. One such reduction method would be the use of renewable energy. The Project will provide a reliable renewable energy source that offsets the factory's current use of natural gas to help the City achieve the goals as outlined in the CAP.

Therefore, consistent with SJVAPCD Policies APR 2005 and APR 2025 and the City's CAP, the GHG emissions reduction associated with this Project would have a less than significant individual and cumulative impact on global climate change.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.9 - HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☒	☐	☐
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	☐	☐	☒	☐
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Discussion

Impact #3.4.9a – Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Project Construction

Project construction-related activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction-related activities. As such, these materials could expose human health or the environment to undue risks associated with their use and no significant impacts will occur during construction activities.

Transportation, storage, use, and disposal of hazardous materials during construction activities will be required to comply with applicable federal, State, and local statutes and regulations. Transportation of hazardous materials is regulated by Department of Transportation and Caltrans. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release. In addition, Cal/OSHA is responsible for developing and enforcing workplace safety standards, including the handling and use of hazardous materials. Compliance of applicable federal, State and local regulations would reduce impacts during temporary construction activities to less than significant levels.

Project Operation

No transportation or storage of hazardous materials will occur as a result of the operation of the proposed Project. Operation activities will comply with the California building code, local building codes, and any applicable safety measures.

Project construction and operation are not anticipated to result in significant impacts as a result of the transportation, use, or disposal of hazardous materials. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.9b – Would the Project 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?

Tulare County Department of Environmental Health Services is the Certified Unified Program Agency (CUPA) for the County. The CUPA unifies and consolidates the various requirements for businesses handling hazardous materials, generating or treating hazardous wastes, or operating aboveground or underground storage tanks, under one roof. Pursuant to requirements of CUPA, the Project proponent will be required to file a modified Hazardous Material Business Plan with the State. The Business Plan will consist of the following items: Hazardous Materials Business Plan Certification Form, Business Activities

Page, Business Owner/Operator Identification Page, Hazardous Materials Inventory Pages(s), Site Map Form, Emergency Response Plans and Procedures, and Employee Training Program. As previously discussed, the Project could involve the transport and use of hazardous materials including fuels, oils, mechanical fluids, and other chemicals such as sanitizers, and disinfectants to be used during the construction of the Project site. The types and quantities of hazardous materials to be used and stored onsite would not be of a significant amount to create a reasonably foreseeable upset or accident condition. The handling and transport of all hazardous materials onsite would be performed in accordance with all applicable federal, State, and local laws and regulations.

Construction and operational activities will also be required to comply with the California fire code to reduce the risk of potential fire hazards. All Project plans would comply with State and local codes and regulation. The Tulare County Fire Department will be responsible for enforcing provisions of the fire code.

With the implementation of Mitigation Measure MM HAZ-1, the proposed Project would not 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 and would therefore result in a less than significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

MM HAZ-1: The Project proponent shall prepare a modified hazardous materials management plan and submit it to the State. Evidence of compliance shall be submitted Tulare County Environmental Health Department.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.9c – Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The Project site is not located within 0.25 miles of an existing school. The nearest school to the Project site is the Cypress Elementary school located approximately 0.6 miles northeast of the Project site. As previously discussed, all hazardous materials would be properly handled in accordance with applicable standards. The proposed Project would not emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9d – Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

An on-line search was conducted on May 23, 2019, of the California Environmental Protection Agency (CAL EPA) website (Cal EPA, n.d.) for Cortese Act locations on or near the Project site. The Department of Toxic Substances Control (DTSC) website, *Envirostor*, indicated that there are no hazardous or toxic sites in the vicinity (within one mile) of the Project site (Department of Toxic Substances Control, 2019). The State Water Resources Control Board website, GeoTracker, indicated that there are no Permitted Underground Storage Tanks, Leaking Underground Storage Tanks, or any other active remediation and cleanup sites on or in the vicinity (within one mile) of the Project site (California Water Resources Board, 2019). The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. The Project site is not within the immediate vicinity of a hazardous materials site and would not impact a listed site. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9e – For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

The Project site is located approximately 1.6 miles north of Mefford Field Airport. However, no housing is proposed as part of the Project and would therefore not increase noise exposure to people residing or working in the Project area. The Project site is not located within a safety zone or noise contour for Mefford Field Airport (County of Tulare, 2012). The construction and operation of the Project would not result in the generation of noise levels beyond those that exist in the surrounding industrial area. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels, and there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.9f – Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City of Tulare has in place an Emergency Operations Plan (EOP) that provides the City with a planned response to a variety of potential emergency situations (City of Tulare, 2005). No changes are proposed to the existing EOP and the Project is not anticipated to generate additional traffic beyond the existing conditions that could potentially impair the implementation of the EOP or any other applicable emergency plan. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.9g – Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. There are no fire hazard zones within Tulare—the majority of the city is categorized as one of the "urbanized/ developed areas outside of hazard zones" with some areas considered to have "non-wildland fuels (e.g. rock, agriculture, water)," neither of which are considered types of areas prone to wildfire (City of Tulare, 2013).

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.10 - HYDROLOGY AND WATER QUALITY					
Would the Project:					
a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b.	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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 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 offsite?	☐	☐	☒	☐
	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; or	☐	☐	☒	☐
	iv. impede or redirect flood flows?	☐	☐	☒	☐
d.	In flood hazard, tsunami, or seiche zone, risk release of pollutants due to Project inundation?	☐	☐	☐	☒
e.	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Discussion

Impact #3.4.10a – Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Project construction would cause a small amount of ground disturbance that could result in soil erosion or siltation and subsequent water quality degradation offsite, which is a potentially significant impact. Construction-related activities would also involve the use of materials such as vehicle fuels, lubricating fluids, solvents, and other materials that could result in polluted runoff, which is also a potentially significant impact. However, the potential consequences of any spill or release of these types of materials are generally small due to the localized, short-term nature of such releases because of construction.

However, implementation of Mitigation Measure MM HAZ-1 would require the project proponent to prepare and implement a revised Hazardous Materials Business Plan, which would minimize this impact by ensuring safe handling of hazardous materials on site and providing for cleanup in the event of an accidental release.

Additionally, the Project will disturb less than one acre of land the Project and is not required to implement a Stormwater Pollution Prevision Plan (SWPPP), however the project would have to identify and incorporate best management practices (BMPs) when submitting building plans to the City, in compliance with the City's municipal separate storm sewer system (MS4) stormwater permit for construction under 1 acre. Best Management Practices (BMPs) will be implemented to ensure that the Project will not impact groundwater quality. The site includes an existing stormwater retention basin in the southeast corner. Stormwater currently is directed to the basin and will continue to do so during construction and operation of the Project.

The Project would not violate any water quality standards or waste discharge requirements (WDRs) during the construction period, and impacts would be less than significant.

MITIGATION MEASURE(S)

Implement Mitigation Measure MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.10b – Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

An estimated 960,000 gallons (2.9 acre-feet [AF]) is needed for the initial fill of the water-bed support structures. The beds are completely enclosed to eliminate evaporation, so no water is lost over time. The only operational water required is for monthly cleaning, which

will require between 3,000 and 12,000 gallons (0.04-0.11 AFY) over the life of the Project. The existing factory receives water from the City of Tulare. It is anticipated that the City will continue to supply construction and operational water to the solar facility.

SB 610 was enacted to assist water suppliers, cities and counties in integrating water and land use planning. The adopted Guidelines (California Department of Water Resources, 2003) outlines a Project that would be subject to the preparation of a Water Supply Assessment under the legislation. As noted in Footnote (5) the threshold is for a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area. The proposed solar facility does not exceed this threshold, and therefore a Water Supply Assessment is not required.

The Project site is located within the Kaweah Subbasin, which is identified as being critically overdrafted and subject to Sustainable Groundwater Management Act (SGMA) requirements and the newly formed Groundwater Sustainability Agencies. SGMA consists of three legislative bills and the legislation provides a framework for a long-term sustainable groundwater management across California. Local stakeholders have until 2020 to develop, prepare, and begin to implement the plan. GSAs will then have the responsibility to achieve groundwater sustainability. However, at this time, no additional requirements or implementation measures are applicable since a GSP has not been adopted within the subbasin.

Given that the water needed for the Project's construction and operations are nominal, the Project's construction and operations would not 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. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.10c(i) – Would the Project 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 that would result in substantial erosion or siltation on site or off site?

The Project site is relatively flat, and due to the technology proposed, grading would be minimal and consist of mostly grubbing the site to remove vegetation. The topography of the site would not appreciably change because of grading activities. The site does not contain any blue-line water features, including streams or rivers. The Tulare canal runs along the

southerly border of the site. However, the Project would not impact the canal, as it is off site. The Project would not develop significant areas of impervious surfaces that would significantly reduce the rate of percolation at the site or concentrate and accelerate surface runoff in comparison to the baseline condition. There is an existing water retention basin in the southeast corner of the Project site that is used by the existing factory and would be sufficient to retain stormwater on the Project site as well. Like the existing site, stormwater would generally percolate to ground. The Project would comply with applicable City development standards and codes. Therefore, the Project would have a less than significant impact on drainage patterns or cause substantial erosion or siltation on or off the site.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.10c(ii) – Would the Project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

The project would include limited grading and the installation and use of the solar equipment. During construction the project would be required to adhere to the City of Tulare Public Works Department storm water requirements to control erosion and protect water quality and minimize stormwater runoff. As noted, there is an existing stormwater retention basin on the Project site, which will capture any stormwater and allow it to percolate into the ground. The Project is not anticipated to substantially increase the rate of amount of surface runoff that would cause area flooding. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.10c(iii) – Would the Project 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 that would 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?

Please see response #3.4.10(a through c), above. The Project would comply with all applicable State and City codes and regulations. Additionally, there is an existing stormwater retention basin on the site. Therefore, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems

or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.10c(iv) – Would the Project 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 that would impede or redirect flood flows?

See response #3.4.10a, b, c (i, ii, and iii), above. The Project is not anticipated to substantially alter the drainage pattern of the area or impede flood flows. The Project site is within an area of minimal flood hazard (Federal Emergency Management Agency, 2009) (see Figure 3.4-10-1). There are no development restrictions associated since these are areas determined to be outside the 0.2 percent annual chance floodplain. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.10d – Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

The Project site is not located near the ocean or a steep topographic feature (i.e., mountain, hill, bluff, etc.). Therefore, there is no potential for the site to be inundated by tsunami or mudflow. Additionally, there is no body of water within the vicinity of the Project site. There is no potential for inundation of the Project site by seiche.

Therefore, the Project would not contribute to inundation by seiche, tsunami, or mudflow. There would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

Impact #3.4.10e – Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Please see response #3.4.10b above. At this time, a GSP has not been prepared for the Kaweah Subbasin so no additional requirements or implementation measures are applicable. Given that the water needed for the Project's construction and operations are nominal, the Project's construction and operations would not substantially deplete groundwater supplies or conflict with any future adopted groundwater management plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

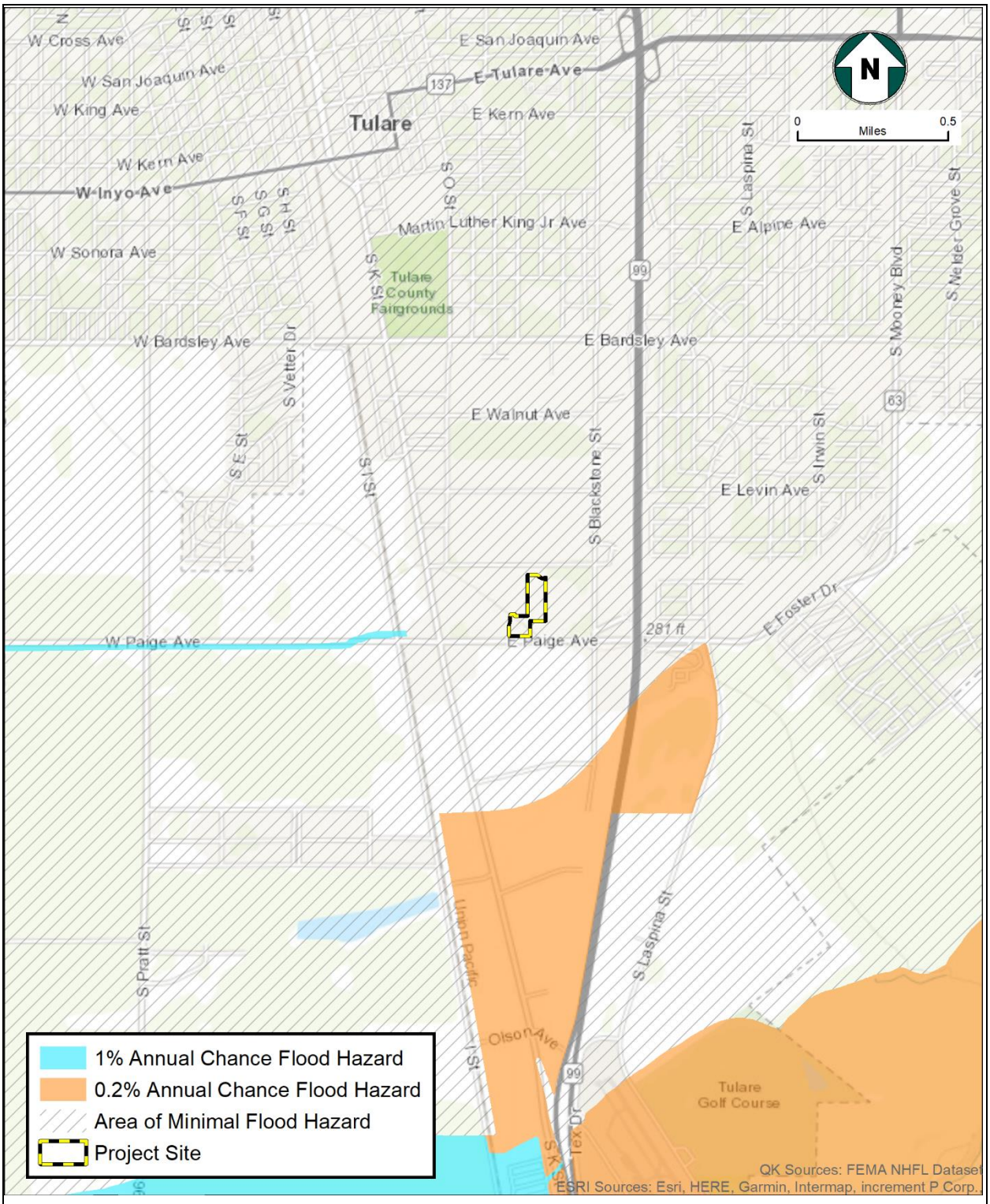

Figure 3.4.10-1
FEMA

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.11 - LAND USE AND PLANNING

Would the Project:

a.	Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Impact #3.4.11a – Would the Project physically divide an established community?

The Project is within an industrially zoned area surrounded by industrial and commercial uses. The Project proposes to construct and operate a solar facility on a small portion of undeveloped land at the site of an existing cheese manufacturing facility. The Project does not include the construction of roads or any other physical barrier that would divide a community. The Project would not result in any surrounding land use change; therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

Impact #3.4.11b – Would the Project conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The Project site has a General Plan land use designation of Heavy Industrial (HI) and is zoned Heavy Industrial (M-2). According to Title 10, Chapter 10.64 of the City of Tulare Municipal Code, the closest use to the proposed project is found under the category of Communications equipment buildings, public utility service yards, gas regulator stations, pumping stations, reservoirs, drainage basins, electric distribution substations and major transmission line structures are a conditional use subject to a conditional use permit (City of Tulare, 2018)

approved by the City of Tulare Planning Commission. Therefore, upon approval of a conditional use permit, the solar facility would be consistent with applicable land use policies. The proposed Project would not conflict with an applicable land use plan, policy, or regulation of the City of Tulare; therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than-Significant Impact	No Impact
3.4.12 - MINERAL RESOURCES					
Would the Project:					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Discussion

Impact #3.4.12a – Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Neither the Project site nor the surrounding area is designated as a Mineral Resources Zone in the City of Tulare General Plan or zoning ordinance, nor is it currently being utilized for mineral extraction. The Project is associated with existing industrial purposes and the Project design does not include mineral extraction. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state and would therefore have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.12b – Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Project site and surrounding lands are zoned for industrial uses. No mining occurs in the Project area or in the nearby vicinity and there are no anticipated mineral extraction activities to be conducted in the future as a result of the Project. The Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan and would therefore have no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.13 - NOISE

Would the Project result in:

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 a local general plan or noise ordinance or applicable standards of other agencies?	☐	☐	☒	☐
b.	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c.	For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒

Discussion

It is anticipated that the following pieces of equipment would be used during construction activities:

- Grader
- Loader
- Stick boom
- Reach lift
- Service truck
- Trencher
- Mobile generator

Impact #3.4.13a – Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

Few sensitive land uses are present within the surrounding Project area. Land uses deemed sensitive by the State of California include schools, hospitals, rest homes, and long-term care and mental care facilities, which are considered to be more sensitive to ambient noise levels than others. The nearest sensitive land uses include residences located approximately 0.3 miles east of the Project site. The Project site is near established industrial uses and noise generated by these uses are considered baseline.

The proposed Project includes the construction and operation of a solar facility. Construction is anticipated to take approximately 10 to 12 months to complete. Based on an average of 20 workdays per month, the construction would take approximately 200 days. During the most intensive period of construction (approximately one month), two diesel trucks will deliver construction materials and equipment. Once constructed, the Project will operate from sunrise to sunset, 365 days a year.

This generated noise is not anticipated to exceed thresholds consistent with the City's General Plan Noise Element or Municipal Code. Operation of the facility would not generate noise levels significantly higher than the existing levels in the Project area as minimal equipment would be utilized and the Project is within an area of similar and compatible industrial uses.

There are no specific construction noise thresholds established by the City, other than the noise-generating construction activities are only allowed to occur between the hours of 6:00 a.m. and 10:00 p.m. However, the construction of the proposed Project would be temporary and would occur between 7:00 a.m. to 6:00 p.m., five days a week for approximately 10 to 12 months. Construction of the proposed expansion will mostly consist of site preparation, site excavation, grading and equipment installation. No demolition or pile-driving will occur during the construction phase of the Project.

Given the existing industrial nature of surrounding facility operations, noise levels are not anticipated to increase beyond a perceptible level by sensitive receptors. Therefore, these increases in ambient noise are considered less than significant and consistent with applicable standards.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.13b – Would the Project result in the generation of excessive groundborne vibration or groundborne noise levels?

The proposed Project is expected to create temporary ground-borne vibration as a result of the construction activities (during site preparation and grading). According to the U.S. Department of Transportation, Federal Railroad Administration, vibration is sound radiated through the ground. The rumbling sound caused by the vibration is called ground-borne noise. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB). The background vibration velocity level in residential areas is usually around 50 VdB. A list of typical vibration-generating equipment is shown in Table 3.4.13-1. However, the Project does not propose to use this

specific equipment. The table is meant to illustrate typical levels of vibration for various pieces of equipment.

Table 3.4.13-1
Different Levels of Ground-borne Vibration

Vibration Velocity Level	Equipment Type
104 VdB	Pile Driver (impact), typical
93 VdB	Pile Driver (sonic), typical
94 VdB	Vibratory roller
87 VdB	Large bulldozer
87 VdB	Caisson drilling
86 VdB	Loaded trucks
79 VdB	Jackhammer
58 VdB	Small bulldozer

Source: (Federal Transit Administration , 2006)
Note: 25 feet from the corresponding equipment.

The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people.

Typical outdoor sources of perceptible ground-borne vibration are construction equipment and traffic on rough roads. For example, if a roadway is smooth, the ground-borne vibration from traffic is rarely perceptible.

Typically, ground-borne vibration generated by construction activity attenuates rapidly with distance from the source of the vibration. Therefore, vibration issues are generally confined to distances of less than 500 feet (U.S. Department of Transportation, 2005). One residence is located within the surrounding area of the proposed Project site. Potential sources of temporary vibration during construction of the proposed Project would be minimal and would include transportation of equipment to the site, and operation of equipment during construction of the solar array.

Construction activity would include various site preparation, grading, in fabrication, and site cleanup work. Construction would not involve the use of equipment that would cause high ground-borne vibration levels such as pile-driving or blasting. Once constructed, the proposed Project would not have any components that would generate high vibration levels. Thus, construction and operation of the proposed Project would not result in any vibration and impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.13c – For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

The Project site is located approximately 1.6 miles north of Mefford Field Airport. However, the Project site is not located within a safety zone or noise contour for Mefford Field Airport (County of Tulare, 2012). The construction and operation of the Project would not result in the generation of noise levels beyond those that exist in the surrounding industrial area. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels, and there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less- than Significant Impact	No Impact

3.4.14 - POPULATION AND HOUSING

Would the Project:

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

Impact #3.4.14a – Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Construction of the Project is adjacent to the existing Saputo cheese production facility. The Project site is undeveloped, and no demolition of existing structures is required. Construction will be of short duration, and ongoing maintenance and operations will be handled by existing staff. No increase in employees is required for the proposed Project. The Project would not induce substantial population growth in the area, either directly or indirectly and would therefore result in no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.14b – Would the Project displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere?

See Impact #3.4.14b, above.

As discussed, operations and maintenance would be conducted by existing staff. The Project will not require demolition of housing or encourage population growth. The proposed Project would not displace substantial numbers of existing housing and would therefore result in no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.15 - PUBLIC SERVICES

Would the Project:

a.	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 to other performance objectives for any of the public services:				
	i. Fire protection?	☐	☐	☒	☐
	ii. Police protection?	☐	☐	☒	☐
	iii. Schools?	☐	☐	☐	☒
	iv. Parks?	☐	☐	☐	☒
	v. Other public facilities?	☐	☐	☐	☒

Discussion

Impact #3.4.15a(i) – 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 to other performance objectives for any of the public services – fire protection?

Construction and operation of the proposed Project would not be expected to result in an increase in demand of fire protection services leading to the construction of new or physically altered facilities. The proposed Project would likely receive service from Fire Station 61, located approximately one mile north. The proposed construction of a solar facility would be located adjacent to an existing cheese manufacturing facility, which is already served by the City Fire Department.

The proposed use would construct a solar facility in an area that would not directly impact City Fire Department's ability to continue to provide a similar level of protection throughout

its service area. There are no habitable structures being developed as a part of the Project. The proposed Project would result in a less than significant impact related to an increase in fire protection services that would necessitate the alteration or construction of fire stations or other infrastructure to combat fire.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.15a(ii) – 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 to other performance objectives for any of the public services – police protection?

The City of Tulare Police Department located approximately 1.5 miles north of the Project and provides law enforcement and public protection. The proposed solar facility would be located adjacent to a cheese manufacturing facility that is already served by the Tulare Police Department.

The proposed Project would not result in a change to the provision of law enforcement protection that would require the City to add personnel, new facilities or alter existing facilities. The proposed Project would result in a less than significant impact related to an increase in demand for law enforcement services that would necessitate the alteration or construction of new or expanded facilities to maintain adequate service levels.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.15a(iii) – 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 to other performance objectives for any of the public services – schools?

The local school districts range in size from the single-school Buena Vista School District to the Tulare City School District, which has 15 schools. Local districts typically serve both a portion of the City of Tulare and areas of Tulare County. Five local school districts provide

elementary and one local school district provides secondary education to the City of Tulare (City of Tulare, 2013). The proposed Project would not significantly increase the number of residents in the City, since the Project does not include residential units, nor will it employ significant number of new staff necessitating housing construction. Therefore, the proposed project would not result in increased demand for school or school facilities, nor necessitate alterations to existing schools.

Mitigation Measure(s)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.15a(iv) – 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 to other performance objectives for any of the public services – parks?

The proposed Project would not significantly increase the number of residents in the City, since the Project does not include residential units, nor does it employ a significant number of people necessitating housing construction. The City presently owns and maintains 19 parks, ranging from a rose garden to community centers. The closest park to the Project site is located approximately 0.6 miles to the east of the Project site. The Project is not anticipated to increase the usage of parks in the City. As such, the proposed Project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.15a(v) – 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 to other performance objectives for any of the public services – Other Public Facilities?

The proposed Project would not significantly increase the number of residents in the City, since the Project does not include residential units or create new jobs. The City provides a wide range of public services to the public besides those services previously mentioned,

above. The City also provides animal control services, refuse pick-up, library facilities, and drainage management. These services are generally funded through the general fund, usage fees, fines and penalties or impact fee collection.

In the City of Tulare, all jurisdictions collect planning and building fees as well as impact fees for new development, as necessary. Since the demand for other public facilities is driven by population, the proposed Project would not increase the demand for that service. As such, the proposed Project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation would be required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than-Significant Impact	No Impact
3.4.16 - RECREATION				
Would the Project:				
a. 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?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

Impact #3.4.16a – 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?

See Impact #3.4.15a(ii) above.

The proposed Project expansion and associated improvements would not impact parks or recreational facilities within the City of Tulare. The Project will utilize existing staff to help operate the facility and therefore would result in no increase in residential population in the City. The proposed Project would not 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. Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

Impact #3.4.16b – Would the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The proposed Project does not include or require the construction or expansion of recreational facilities. As such, the proposed Project would result in no impacts to these services and no mitigation would be required.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.17 - TRANSPORTATION					
Would the Project:					
a.	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?	☐	☐	☒	☐
b.	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c.	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
d.	Result in inadequate emergency access?	☐	☐	☐	☒

Discussion

Potential transportation and circulation impacts that may result from the proposed Project primarily involve determining whether a net change would occur in traffic generated by personnel commuting to or from the Project site and by truck trips related to the expansion of facility operations.

Site access is currently provided by driveways on East Continental Avenue and East Paige Avenue. Semi-trucks are used for large deliveries and exports to and from the site and standard vehicles are used by employees to travel to and from the site. The City's network of interstate and State highways and local roads is relied upon to accommodate existing traffic demands. The roadways surrounding the Project site include South Blackstone Street and South K Street.

Impact #3.4.17a – Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?

The proposed Project is located in an industrial area where the traffic is generally related to the surrounding industrial uses. As proposed, the Project does not include the construction of new intersections, streets, highways and freeways, pedestrian and bicycle paths, or mass transit, nor would the Project impact or degrade the existing transit infrastructure of the area.

PROJECTED TRIP GENERATION

Construction

Construction of the proposed Project is temporary and would take approximately 10-12 months to complete and would typically be scheduled between 7:00 a.m. and 6:00 p.m., Monday through Friday. The workforce required for construction is expected to be drawn from local or regional labor pools. It is assumed that the average construction workforce would be between approximately five to 10 persons.

For this analysis, we have applied a conservative occupancy rate of 2.0 to trips generated by construction personnel. Therefore, we have assumed a maximum of 10 trips are generated in both the a.m. and p.m. periods due to construction personnel. However, as is typical with construction activities, trips are anticipated to be distributed over longer a.m. and p.m. periods and will not necessarily coincide with the traditional commuting peak periods of 7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m. It is anticipated the trips will be spread over four-hour periods, from 5:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m.

It is also anticipated there will be parts, materials and equipment delivered to the job site throughout construction, made by large heavy-haul transport trucks during the workdays. There is assumed to be one to two trucks per day (10 round trips) during the peak construction period.

Operation

Once operational, there will be no permanent staff at the facility. Routine maintenance will be conducted by one to two staff for system cleaning once per month. The system will be remotely monitored, and in the event of a malfunction or other unplanned upset, maintenance staff will be sent to the site for repair. Therefore, no more than five monthly trips are expected to result from the operation of the proposed Project.

The Circulation Element of the City of Tulare General Plan designates a peak-hour Level of Service (LOS) of "D" as the threshold for acceptable traffic operations for the City's road network (City of Tulare, 2013). The Project site is currently accessed via East Paige Avenue from the south and via East Continental Avenue from the north.

Table 4.14-2 of the General Plan EIR reports a Level of Service (LOS) of "A" on Paige Avenue from I Street to Blackstone Street in 2012 and 2035 (City of Tulare, 2013). The minimal increase of five monthly trips anticipated by the proposed Project during operation would not interrupt the flow of traffic or degrade the existing LOS condition.

The proposed Project would not 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. The proposed Project is consistent with

the City of Tulare General Plan and Regional Transportation Plan (City of Tulare, 2013); therefore, the proposed Project would have a less than significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant*.

Impact #3.4.17b – Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

As discussed in Impact #3.4.17a, the proposed expansion Project would not result in degrading the current LOS condition. There would be a slight increase in average daily trips (ADT) during short-term construction and a minimal increase in ADT for operations activities. This increase is considered nominal as it would not result in a lower LOS for the surrounding roadway system. The proposed Project would not conflict with an applicable congestion management program or other standards established by the county congestion management agency for designated roads or highways. Therefore, the impact would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.17c – Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project would utilize existing roadways and no new roads are being proposed as part of the Project design. Therefore, the Project would not substantially increase hazards due to a design feature or incompatible uses and would be a less than significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant.*

Impact #3.4.17d – Would the Project result in inadequate emergency access?

Construction and operation of the proposed Project would not interfere with access for emergency vehicles or nearby uses, as all activities would be conducted on the site and would not impact the adjacent street traffic. No facilities are proposed as part of the proposed Project that would change emergency access to the site or that would affect access to nearby uses. The Project would not result in inadequate emergency access and would therefore result in no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than-Significant Impact	No Impact
3.4.18 - TRIBAL CULTURAL RESOURCES				
Would the Project:				
a. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. 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), or	☐	☒	☐	☐
ii. 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. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Discussion

Impact #3.4.18a(i) – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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)?

Please see response to Impact #3.4.5a above. The lead agency has not received information from a local tribal group indicating that the Project would impact tribal cultural resources. With implementation of Mitigation Measures MM CUL-1 and MM CUL-2, ground disturbance generated during construction of the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated*.

Impact #3.4.18a(ii) – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Please see response to Impact #3.4.5a above. With implementation of Mitigation Measures MM CUL-1 and MM CUL-2, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant with mitigation incorporated.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.19 - UTILITIES AND SERVICE SYSTEMS				
Would the Project:				
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 of existing facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

Impact #3.4.19a – 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 of existing facilities, the construction or relocation of which could cause significant environmental effects?

See Impact #3.4.10- *Hydrology and Water Quality* for a discussion of wastewater disposal. The Project will not require the construction of new water or wastewater treatment facilities. The Project will require up to 20 employees during temporary construction-related activities, and one to two maintenance employees will work at the site during monthly

cleaning and maintenance operations. Water usage for dust control during construction-related activities will be minimal due to the small footprint and short duration of construction-related activities of the proposed Project

As shown in Table 3.4.19-1, 2.9 AF of water would be needed to initially fill the heat transfer equipment. Because there is very little grading, water for dust control will be minimal. Water used in the operational process will be maintained on site and minimized using best management practices. All applicable local, State, and federal requirements and best management practices will be incorporated into construction-related activities of the Project.

Table 3.4.19-1
Proposed Water Demand for Saputo Solar Project

	Water Demand (AF)	Period
Construction	2.9	Initial fill
Operation	0.04-0.11	Annual

Impacts would be considered less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

Impact #3.4.19b – Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Project will obtain its water from the existing deliverance system that serves the cheese manufacturing facility. As discussed above, the Project is anticipated to require approximately 960,000 gallons (2.9 AF) of water for the initial fill, with 1,000 to 3,000 gallons for monthly cleaning. Based on these estimates, the Project's construction and operations would not 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.

Water will be obtained from the City similar to the existing facility, and no new entitlements will be required. No surface water entitlements are needed to service the Project as the existing groundwater resources are available and adequate to service the site. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant.*

Impact #3.4.19c – Would the Project result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?

The increase in onsite stormwater runoff from the proposed Project will be minimal and is the result of a small increase in impervious surfaces from the equipment room, and the paved driveway. The remainder of the site will be unpaved and therefore allows for water to percolate back into the ground.

The site engineering and design plans for the proposed Project would be required to implement BMPs, comply with requirements of the California Building Code, as well as with City of Tulare Development Standards Implementation of Mitigation Measure MM HAZ-1 would reduce impacts to less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant.*

Impact #3.4.19d – Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction

It is anticipated the Project would generate minimal amounts of waste during construction. Currently, the site contains no structures and would not require demolition or removal of large debris. Materials brought to the Project site would be used to construct the facility, and few residual materials are expected. Non-hazardous construction refuse and solid waste would be either collected and recycled or disposed of at a local landfill serving the City including the Teapot Dome Landfill and the Visalia Landfill. Any hazardous waste generated during construction would be disposed of at an approved location.

The small amount of solid waste generated by construction activities is not expected to exceed the capacity of the landfill. Additionally, the construction period for the project is

expected to be up to 12 months and the landfill that would serve the project would be in operation during the construction period.

Operation

The Project would produce small amounts of waste associated with operation and maintenance activities. Solar system wastes typically include broken and rusted metal, electrical materials, and empty containers and other miscellaneous solid materials. Most of these materials would be collected and disposed of at the local landfill. Some refuse may be sent for recycling. Small amounts of typical household refuse would be generated by workers during maintenance visits.

Therefore, the Project would not generate a significant amount of solid waste during construction and operation and would not exceed the permitted capacity of local landfills. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant*

Impact #3.4.19e – Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed Project would generate solid waste during construction and operation, thus requiring the consideration of waste reduction and recycling measures. The 1989 California Integrated Waste Management Act (AB 939) requires City of Tulare to attain specific waste diversion goals. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development Projects to incorporate storage areas for recycling bins into the proposed Project design. The proposed Project would be required to comply with all federal, state, and local statutes and regulations related to the handling and disposal of solid waste. Therefore, implementation of the proposed Project would result in less than significant impacts.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.20 - WILDFIRE				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion

Impact #3.4.20a – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project is not located in or near State Responsibility Areas or lands classified as very high fire hazard severity zone (City of Tulare, 2013). Therefore, there would be no impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

There would be *no impact.*

Impact #3.4.20b – Would the Project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project area is flat, with little topography. The surrounding area is developed with industrial uses. It is not located in or near State Responsibility Areas or lands classified as very high fire zones (City of Tulare, 2013). The City if in the Calfire "Other Unzoned Fire Hazard Zone" (Cal Fire, 2007) . The City Fire Department Station 61 is approximately 1 mile from the site and would provide fire protection services. The Project would comply with all applicable building codes and standards related to fire suppression and protection and would not create a significant impact related to wildfires. Impact would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be l*ess than significant*.

Impact #3.4.20c – Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The Project requires the installation of new electrical lines to route existing electrical power to the pump(s) for the heat transfer fluid and the control equipment for the solar facility. However, this construction would not result in significant impacts to the environment. The Project does not require the installation or maintenance of infrastructure that would result in temporary or permanent impacts that may exacerbate fire risk. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant.*

Impact #3.4.20d – Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As noted in Impact #3.4.20b, the Project site and surrounding area is relatively flat with no slopes or steep inclines that would cause flooding or landslides, slope instability or drainage changes. It is also in an area with a low risk of wildfires. The facility is located on flat land adjacent to an existing cheese manufacturing facility. The Project is not anticipated to result in any permanent change in topography or drainage. Impacts would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

Impact would be *less than significant.*

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.21 - MANDATORY FINDINGS OF SIGNIFICANCE					
a.	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?	☐	☒	☐	☐
b.	Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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.)	☐	☒	☐	☐
c.	Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

Impact #3.4.21a - 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?

As evaluated in this IS/MND, the proposed Project would not 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; 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 including paleontological resources. Mitigation measures have been

included to reduce the significance of potential impacts. Similar mitigation measures would be expected of other Projects in the surrounding area, most of which share similar cultural paleontological and biological resources. Consequently, the incremental effects of the proposed Project, after mitigation, would not contribute to an adverse cumulative impact on these resources. Therefore, the Project would have a less than significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM AQ-1, MM BIO-1 through MM BIO-6, MM CUL-1 and MM CUL-2, MM GEO-1 and MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.21b - Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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.)

As described in the impact analyses in Sections 3.4.1 through 3.4.18 of this IS/MND, any potentially significant impacts of the proposed Project would be reduced to a less than significant level following incorporation of the mitigation measures listed in Appendix A – Mitigation Monitoring and Reporting Program. All planned projects in the vicinity of the proposed Project would be subject to review in separate environmental documents and required to conform to the 2035 City of Tulare General Plan and the Tulare Municipal Code. The Project would also be required to mitigate for Project-specific impacts and provide appropriate engineering to ensure the Project meets all applicable federal, State and local regulations and codes. As currently designed, and with compliance of the recommended mitigation measures, the proposed Project would not contribute to a cumulative impact. Thus, the cumulative impacts of past, present, and reasonably foreseeable future projects would be less than cumulatively considerable.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM AQ-1, MM BIO-1 through MM BIO-6, MM CUL-1 and MM CUL-2, MM GEO-1 and MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated*.

Impact #3.4.21c - Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

The ways in which people can be subject to substantial adverse effects from Projects include: potential exposure to significant levels of local air pollutants; potential exposure to seismic and flooding hazards; potential exposure to hazardous materials; potential exposure to contamination from hazardous materials; potential exposure to traffic hazards; and potential exposure to excessive noise levels. The risks from these potential hazards would be avoided or reduced to *less than significant* levels through compliance with existing laws, regulations, or requirements. All of the Project's impacts, both direct and indirect, that are attributable to the Project were identified and mitigated to a less than significant level. As shown in the *Mitigation Monitoring and Reporting Program*, the Project proponent has agreed to implement mitigation substantially reducing or eliminating impacts of the Project.

Therefore, the proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed Project are identified as having no impact, less than significant impact, or less than significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures MM AQ-1, MM BIO-1 through MM BIO-6, MM CUL-1 and MM CUL-2, MM GEO-1 and MM HAZ-1.

LEVEL OF SIGNIFICANCE

Impacts would be *less than significant with mitigation incorporated.*

SECTION 4 - LIST OF PREPARERS

4.1 - Lead Agency

- Mario Anaya, MPA - Principal Planner

4.2 - QK

- Jaymie L. Brauer - Principal Planner/Lead Author
- Conor McKay - Assistant Planner/Author
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APPENDIX A
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
MM AQ-1: During Project construction the following measures shall be implemented: • When exposure to dust is unavoidable for workers who will be disturbing the top two to 12 inches of soil, provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)." • Train workers and supervisors about the risk of Valley Fever, the work activities that may increase the risk, and the measures used onsite to reduce exposure. Also train on how to recognize Valley Fever symptoms. • Encourage workers to report Valley Fever symptoms promptly to a supervisor. Not associating these symptoms with workplace exposures can lead to a delay in appropriate diagnosis and treatment.	Prior to and During Construction	Lead Agency		
MM BIO-1: Prior to ground disturbing activities a qualified wildlife biologist shall conduct a biological clearance survey no more than 30 calendar days prior to the onset of construction. The clearance survey shall include walking transects to identify presence of San Joaquin kit fox, Tipton kangaroo rat, other special-status species or signs of, and sensitive natural communities. The pre-construction survey shall be walked by no greater than 30-foot transects for 100 percent coverage of the	Prior to Construction	Lead Agency		

Project site and the 50-foot buffer, where feasible.

Exclusion zones for kit fox shall be placed in accordance with U.S. Fish and Wildlife Service (USFWS) Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius
Natal/Pupping Den (Occupied and Unoccupied)	Contact U.S. Fish and Wildlife Service for guidance
Atypical Den	50-foot radius

Buffer zones shall be considered Environmentally Sensitive Areas (ESAs) and no ground disturbing activities shall be allowed within a buffer area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted upon the discovery of any natal or pupping dens.

Potential kit fox dens may be excavated provided that the following conditions are satisfied: (1) the den has been monitored for at least five consecutive days and is deemed unoccupied by a qualified biologist; (2) the excavation is conducted by or under the direct supervision of a qualified biologist. Den monitoring and excavation should be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (United States Fish and Wildlife Service, 2011).

MM BIO-2: Worker Environmental Awareness Program (WEAP) shall be conducted for all employees, contractors, or other personnel involved with the Project prior to the commencement of ground disturbing activities. The training	Prior to Construction	Lead Agency

shall consist of a brief presentation by a qualified biologist and include the following: a description of special-status species with the potential to occur in the Project area and their habitat needs, a report of occurrence of special-status species in the Project area, an explanation of the listing status of said species, a list of avoidance and minimization measures to be implemented, and violations associated with the federal and State endangered species acts. A fact sheet conveying this information should be available to all personnel upon entering the Project site and a sign-in sheet shall be maintained and made available to the District, USFWS, and CDFW.		
MM BIO-3: During all construction-related activities, the following mitigation shall apply: a. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the construction or Project site. b. Construction-related vehicle traffic shall be restricted to established roads and predetermined ingress and egress corridors, staging, and parking areas. Vehicle speeds should not exceed 20 miles per hour (mph) within the Project site. c. To prevent inadvertent entrapment of kit fox or other animals during construction, the contractor shall cover all excavated, steep-walled holes or trenches more than two feet deep at the close of each workday with plywood or similar	During Construction	Lead Agency

materials. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks shall be installed in the trench. Before such holes or trenches are filled, the contractor shall thoroughly inspect them for entrapped animals. All construction-related pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored on the Project site shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If at any time an entrapped or injured kit fox is discovered, work in the immediate area shall be temporarily halted and USFWS and CDFW shall be consulted.

d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
e. No pets, such as dogs or cats, shall be permitted on the Project sites to

prevent harassment, mortality of kit foxes, or destruction of dens.

f. Use of anti-coagulant rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide shall be used because of the proven lower risk to kit foxes.
g. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
h. The Sacramento Fish and Wildlife Office of USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the

addresses and telephone numbers below. The CDFW contact can be reached at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309. i. All sightings of the San Joaquin kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to the Service at the address below. j. Any Project-related information required by the USFWS or questions concerning the above conditions, or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at: Endangered Species Division, 2800 Cottage Way, Suite W 2605, Sacramento, California 95825-1846, phone (916) 414-6620 or (916) 414-6600.		
MM BIO-4: If initial grading activities are planned during the potential nesting season for migratory birds/raptors that may nest on or near the Project sites, the preconstruction survey shall evaluate the sites and accessible lands within an adequate buffer for active nests of migratory birds/raptors. If any nesting birds/raptors are observed, a qualified biologist in coordination with the California Department of Fish and Wildlife shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in	During Construction	Lead Agency

compliance with the Migratory Bird Treaty Act and applicable state regulations.		
MM BIO-5: If Swainson's hawk are observed during the preconstruction clearance survey and construction of the Project occurs during Swainson's hawk breeding season (February 1 through September 15), no more than 10 days prior to the commencement of construction, the following shall be implemented: Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the Project site and pipeline route. The survey methodology shall be consistent with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000). At a minimum, two sets of surveys shall be conducted between March 20 and April 20. If no nests are observed, no further action is necessary. If active Swainson's hawk nests are observed within 0.5 miles of the Project, appropriate avoidance and minimization measures shall be implemented under direction of a qualified biologist in coordination with the California Department of Fish and Wildlife. A copy of the survey results shall be submitted to the City of Tulare Planning Division.	Prior to Construction	Lead Agency
MM BIO-6: The measures listed below shall be implemented prior to and during construction at the Project site, if small mammal burrows are noted during the preconstruction survey, to protect the Tipton kangaroo rats or other special-status small mammals:	Prior to construction	Lead Agency

• All construction activity shall occur during daylight when kangaroo rats are less active. • A biologist shall inspect areas with a potential for kangaroo rat burrows within 14 days prior to construction. If potential burrows are found in construction areas, trapping shall be conducted for a minimum of three nights with at least one trap per active burrow. If Tipton kangaroo rats are captured, consultation with California Department of Fish and Wildlife is required. • During operations, no small mammal burrows shall be removed without first being inspected by a qualified biologist. If it is essential to move a burrow, trapping shall occur for three consecutive nights. If Tipton or other listed small mammals are observed, consultation with California Department of Fish and Wildlife shall occur to determine subsequent actions.		
MM CUL-1: If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate	Prior to Construction	Lead Agency

adverse impacts from Project implementation. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery, among other options. Any previously undiscovered resources found during construction within the Project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.		
MM CUL-2: If human remains are discovered during construction or operational activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Prior to and during construction	Lead Agency

MM GEO-1: During grading and site preparation activities, if paleontological resources are encountered, all work within 50 feet of the find shall halt until a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards can evaluate the find and make recommendations. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts from Project implementation. The paleontologist shall notify the Tulare County Community Development Agency, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement mitigation measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in PRC Section 21083.2.	Prior to Construction	Lead Agency
MM HAZ-1: The Project proponent shall prepare a modified hazardous materials management plan and submit it to the State. Evidence of compliance shall be submitted Tulare County Environmental Health Department.	Prior to operations	Lead Agency