

# Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: \_\_\_\_\_

Project Title: Conditional Use Permit NO. 17-12 - Pitman Family Farms (Smith Site)

Lead Agency: Kings County

Contact Name: Chuck Kinney

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Project Location: 12565 Kansas Avenue, Hanford, CA 93230  
City County

## **Project Description (Proposed actions, location, and/or consequences).**

Pitman Family Farms has requested approval of a conditional use permit to allow for the expansion of an existing poultry farm of 170,000 chickens to include an additional 850,000 chickens, for a new total of approximately 1,020,000 chickens. The project includes the demolition of the existing eight poultry barns and construction of 918,000 square feet of new poultry barns, totaling 34 structures, that would be 54'-0" wide and 500'-0" in length. The new poultry barns would be built in two phases along with three additional single-family farm employee residences for caretaker purposes.

## **Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.**

The project has impacts in the following environmental areas that can be mitigated to a less than significant level: air quality, biological resources, cultural resources, geological resources, hydrology, noise and public utilities. The mitigation measures recommended are as follows:

### **MM AIR-1 Fugitive Dust Control**

The owner/operator shall sufficiently implement at least one of the control measures listed below to limit visible dust emissions (VDE) to 20% opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. The opacity limit may be achieved through implementation of any combination of the following control measures to the extent needed:

#### *On-Site Transporting of Bulk Materials:*

Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20 percent opacity; or

Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported across any paved public access road; or

Apply water to the top of the load sufficient to limit VDE to 20% opacity; or

Cover haul trucks with a tarp or other suitable cover.

#### *Unpaved Vehicle/Equipment Parking and Traffic Areas:*

The control measures listed below shall be implemented on unpaved surface areas dedicated to any vehicle and equipment parking and traffic activity in order to limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road as specified in Rule 8011. If vehicle activity remains exclusively within an unpaved vehicle/equipment traffic area, section 5.3 may be implemented to limit VDE to 20% opacity.

Where 50 or more annual average daily trips (AADT) will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by the application and/or reapplication/maintenance of at least one of the following control measures:

- Watering;

- Uniform layer of washed gravel;
- Chemical/organic dust suppressants;
- Vegetative materials;
- Paving;
- Roadmix;

Any other method(s) that can be demonstrated to the satisfaction of the Air Pollution Control Officer that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

**MM AIR-2 Odor Management Plan**

The owner/operator shall implement/maintain an Odor Management Plan which outlines measures taken to control odors.

**MM BIO-1:** Prior to commencement of ground disturbance activities, a qualified biologist shall conduct a pre-construction survey on the project site and a 500-foot buffer around the project site where feasible. All observations for wildlife species including burrows, nests, scat, or other sign will be recorded and mapped. A qualified biologist will implement the established buffers and monitor those wildlife signs to ensure that the project-related activities are not causing a disturbance to normal behaviors for the species. The survey shall occur within 14 days prior to the start of construction activities. If construction starts during the bird and raptor breeding season (January 1 to September 15), the survey shall include all areas that are suitable for the establishment of nests, such as trees, power poles, shrubs, and on the ground. A report of the results of the preconstruction clearance survey shall be submitted to the lead agency. If no sign or observation of special status species is noted during the preconstruction clearance survey, no further action prior to construction is required.

**MM BIO-2:** If active bird nests are identified during the survey, they shall be avoided by 500 feet for raptor species and by 250 feet for non-raptor species. Avoidance buffers may be reduced if a qualified and approved on-site biologist determines that encroachment into the buffer area is not affecting nest building, the rearing of young, or otherwise affect the breeding behaviors of the resident birds in consultation and written approval of CDFW.

No construction or earth-moving activity shall occur within a non-disturbance buffer during the general bird breeding season (January 1 through September 15) or until it is determined by a qualified biologist that the young have fledged (that is, left the nest), can forage for themselves and have attained sufficient flight skills to avoid project construction areas (i.e. independent of the nest and parents for survival). Once birds have completed nesting and young have fledged, and are independent, disturbance buffers shall no longer be needed and can be removed, and monitoring can be terminated.

**MM BIO-3:** Prior to construction and throughout construction activities, the following measures shall be implemented:

1. Pre-construction surveys shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any project activity likely to impact the San Joaquin kit fox or American badger. Exclusion zones 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

If any den must be removed, it must be appropriately monitored and excavated by a trained wildlife biologist. Destruction of natal dens and other "known" kit fox dens must not occur until authorized by USFWS. Replacement dens shall be required if such dens are removed. Potential dens that are removed do not need to be replaced if they are determined to be inactive by using standard monitoring techniques (e.g., applying tracking medium around the den opening and monitoring for San Joaquin kit fox tracks for five consecutive nights).

2. Project-related vehicles shall observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County roads and State and federal highways; this is particularly important at night when kit foxes and badgers are most active. Night-time construction shall be minimized to the extent possible. However, if construction at night does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.
3. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted at the addresses provided below.
4. 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 4-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.
5. 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 a construction or project sites.
6. 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.
7. 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 a proven lower risk to kit fox.
8. 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.
9. An employee education program shall be conducted. The program shall consist of a brief presentation by persons knowledgeable in special status species and specifically San Joaquin kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the project sites.

In addition, all other special status species that may occur on the project site will be included in the employee education program. The program will include the wildlife's legal protections, and avoidance and minimization measures contained in the final CEQA document for the project.

10. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
11. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or CDFW representative, the wildlife biologist, at (530)934-9309. The USFWS shall be contacted at the numbers below.

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.

**MM BIO-4:** All fencing constructed on the project site shall be wildlife friendly. In order to allow wildlife safe passage, fencing must either have 5 inch by 7 inch portals located every 50 feet along the fence line, or a 5 to 7-inch continuous gap along the bottom of the fence.

**MM BIO-5:** Prior to the issuance of grading or building permits the following shall be implemented:

1. Protocol nesting surveys for Swainson's hawk shall be conducted by a qualified biologist within 0.5 miles of the project sites. 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. A copy of the survey results shall be submitted to the Kings County Planning and Community Development Department.
2. The California Department of Fish and Wildlife Staff Report Regarding Mitigation for Impacts to Swainson's Hawk in the Central Valley (1994) requires mitigation for lost foraging habitat located within 10 miles of active Swainson's hawk nests. The project operator shall consult with California Department of Fish and Wildlife to determine whether habitat mitigation will be required for the project based on the project-specific nesting surveys and proximity to other known documented nesting sites in the area. If required, mitigation shall be in accordance with the Staff Report or as otherwise determined in consultation with the California Department of Fish and Game. Copies of all correspondence with the California Department of Fish and Wildlife shall be provided to the Kings County Planning and Community Development Department.

**MM CUL-1: Archaeological Monitoring.** Prior to any ground disturbance, a surface inspection of the Index Project site shall be conducted by a qualified archeologist. The qualified archeologist shall monitor the site during grading activities. The archeologist shall provide pre-construction briefings to supervisory personnel, any excavation contractor, and any person who will perform unsupervised, ground disturbing work on the project in connection with construction or decommissioning. The briefings will include information on potential cultural material finds and, on the procedures, to be enacted if resources are found.

**MM CUL-2: Native American Monitoring.** Prior to any ground disturbance, the applicant shall offer interested Tribes the opportunity to provide a Native American Monitor during ground disturbing activities during construction. Tribal participation would be dependent upon the availability and interest of the Tribe.

**MM CUL-3: Stop Work in the Event of Unanticipated Discoveries.** In the event that cultural resources, paleontological resources or unique geologic features are discovered during construction, operations shall stop within 100 feet of the find, and a qualified archaeologist shall be consulted to determine whether the resource requires further study. 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. Prior to any ground disturbance, the applicant shall enter into an agreement with the Santa Rosa Rancheria Tachi Yokut Tribe ("Tribe") regarding cultural resources and burial treatment and protection ("Plan"), which shall be in a form acceptable to the Tribe County. Upon discovery of cultural resources, in addition to other procedures described in this mitigation measure, the Kings County Community Development Agency, along with other relevant agency or Tribal officials, shall be contacted to begin coordination on the disposition of the find(s), and treatment of any significant cultural resource shall be undertaken pursuant to the Plan. In the event of any conflict between this mitigation measure and the Plan, the stipulations of the Plan shall control.

**MM-CUL 4: Disposition of Cultural Resources.** Upon coordination with the Kings County Community Development Agency, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded long-term preservation. Documentation for the work shall be provided in accordance with applicable cultural resource laws and guidelines.

**MM CUL-5:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or other appropriate facility regarding any discoveries of paleontological resources.

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. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects, or such effects must be mitigated. Construction in that area shall not resume until the resource appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the Lead Agency.

**MM CUL-6:** If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the county coroner.

**MM GEO-1:** Prior to final design, a geotechnical study shall be prepared for the project site and recommendations of the study shall be incorporated into final design of the project. A copy of the report shall be submitted to the Kings County Community Development Agency for review.

**MM GEO-2:** Prior to final design, the project proponent shall obtain a qualified engineer to design an engineered septic system for any proposed residential units or other restroom facilities required by local regulations. The septic tank design shall incorporate appropriate measures in order to mitigate the limitations posed by the soil properties and site features.

**MM GEO-3:** During any ground disturbance activities, if paleontological resources are encountered, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or other appropriate facility regarding any discoveries of paleontological resources.

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**MM HAZ-1:** Prior to operation, the project proponent shall submit to Kings County Department of Environmental Health Services, a Hazardous Materials Business Plan (HMBP) pursuant to Health and Safety Code Chapter 6.95,

sections 25500 to 25520. The HMBP shall outline the types and quantities of hazardous materials used onsite and indicate onsite safety measures to ensure such materials are properly handled and stored. A copy of the approved HMBP shall be submitted to the Kings County Community Development Agency.

**MM HYD-1:** Prior to ground-disturbing activities, the project proponent shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies best management practices, with the intent of keeping all products of erosion from moving offsite. The SWPPP shall be submitted to and approved by the Central Valley regional Water Quality Control Board (RWQCB). The SWPPP shall contain a site map that shows the construction site perimeter, existing and proposed man-made facilities, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. Additionally, the SWPPP shall contain a visual monitoring program and a chemical monitoring program for non-visible pollutants to be implemented (if there is a failure of best management practices). The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil properly.
- Protecting any existing storm drain inlets and stabilizing disturbed areas.
- Implementing erosion controls.
- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.

A copy of the approved SWPPP shall be submitted to the Kings County Community Development Agency.

**MM HYD-2:** The applicant shall comply with the requirements of the Poultry General Order WDR for the proposed expansion.

**MM HYD-3:** The project shall implement the following measures, as required by the Tulare Lake Basin Water Quality Control Plan, for Confined Animal Activities:

- a. Lands that receive dry manure shall be managed to minimize erosion and runoff, and applied manure shall be incorporated into surface soils soon after manure application.
- b. Animal confinement areas, manure storage areas, lagoons, disposal fields, and crop lands that receive manure shall not create a nuisance through implementation of the Management Plan.
- c. Salt in animal rations should be limited to the amount required to maintain animal health and optimum production.
- d. Animal confinement facilities, including retention ponds, shall be protected from overflow from stream channels during 20-year peak stream flows for facilities that existed as of 25 July 1975 and protected from 100-year peak stream flows for facilities constructed after 25 July 1975. Facilities constructed after 8 December 1984 must comply with the specifications in Chapter 15.
- e. Facilities shall be designed and constructed to retain all facility wastewater generated, together with all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm. Facilities with operation capacities equal to or greater than the capacities described in 40 CFR 412 (Feedlots Point Source Category) must obtain a National Pollutant Discharge Elimination System (NPDES) permit prior to discharge for events greater than a 25 year, 24 hour storm.
- f. New manure retention ponds shall be sited, designed, constructed, and operated to ensure that the invert of the pond will be at least 5 feet above the highest anticipated elevation of underlying ground water.
- g. Annual reporting shall be conducted and summarize the following
  - 1) Acreage used for wastewater disposal (irrigation application).
  - 2) Estimates of the quantity of dry manure (tons) spread on site and exported off site, including the location of the fields where the manure is applied, and the names of buyers, and/or locations of application (disposal) areas, if applicable.

**MM NO-1** – The construction of the project must only operate during the times listed within the operational statement (7:00 am to 6:00 pm).

**MM PUB-1** – The applicant must construct employee only restrooms compliant with the most current version of Title

24 – California Building Standards Code. These facilities must connect to an engineered septic system, as required by § 5-82 of Kings County Ordinance No. 567.4

**If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.**

The areas identified in the CEQA document are the identified areas of concern raised by the Lead Agency.

**Provide a list of the responsible or trustee agencies for the project.**

- California State Clearinghouse, within the Office of Permit Assistance;
- California State Water Resources Control Board (SWRCB);
- Central Valley Regional Water Quality Control Board (RWQCB);
- San Joaquin Valley Air Pollution Control District (SJVAPCD);
- State of California Department of Fish and Wildlife (CDFG); and
- State of California Department of Transportation (Caltrans)

