City of Porterville

Central Mutual Water Company Consolidation Project

Draft Initial Study / Mitigated Negative Declaration

Porterville, CA
March 2020

Prepared for:
City of Porterville
291 N. Main Street
Porterville, CA 93257

Prepared by:
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Acronyms and Abbreviations

AB ..... Assembly Bill
ACBM ..... Asbestos Containing Building Material
ACOE ..... United States Army Corps of Engineers
AE-20 ..... Exclusive Agricultural, 20-Acre Minimum
AF ..... Acre Feet
AHERA ..... Asbestos Hazard Emergency Reponse Act
APE ..... Area of Potential Effect
ARB ..... Air Resources Board
BMPs ..... Best Management Practices
BPS ..... Best Performance Standards
CCAA ..... California Clean Air Act
CalEEMod ..... California Emissions Estimator Model
Caltrans ..... California Department of Transportation
CALUP ..... Tulare County Comprehensive Airport Land Use Plan
CAPCOA ..... California Air Pollution Control Officer Association
CARB ..... California Air Resources Board
CAAQS ..... California Ambient Air Quality Standards
CCAA ..... California Clean Air Act
CCAP ..... Climate Change Action Plan
CCR ..... California Code of Regulations
CDFG ..... California Department of Fish and Game
CDFW ..... California Department of Fish and Wildlife
CEC ..... California Energy Commission
CERCLA ..... Comprehensive Environmental Response, Compensation, and Liability Act
CFC ..... Chlorofluorocarbons
CMWC ..... Central Mutual Water Company
City ..... City of Porterville
CNEL ..... Community Noise Equivalent Level
CNPS ..... California Native Plant Society
CO ..... Carbon Monoxide
CO_2 ..... Carbon Dioxide
CO_2e ..... Carbon Dioxide Equivalent

CPUC ..... California Public Utilities Commission
CRHR ..... California Register of Historical Resources
CUPA ..... Certified Unified Program Agency
CWA ..... Clean Water Act
CUPA ..... Certified Unified Program Agency
DOC ..... California Department of Conservation
DPM ..... Diesel Particulate Matter
DPR ..... California Department of Parks and Recreation
DWR ..... California Department of Water Resources
EIR ..... Environmental Impact Report
EPA ..... United States Environmental Protection Agency
FCAA ..... Federal Clean Air Act
FEMA ..... Federal Emergency Management Agency
FESA ..... Federal Endangered Species Act
FGC ..... California Fish and Game Code
FIP ..... Federal Implementation Plan
FIRM ..... Flood Insurance Rate Maps
FMBTA ..... Federal Migratory Bird Treaty Act
FMMP ..... Farmland Mapping and Monitoring Program
FPPA ..... Farmland Protection Policy Act
FRA ..... Federal Railway Administration
FTA ..... Federal Transit Administration
GHGs ..... Greenhouse Gases
HFC ..... Hydrofluorocarbons
HQ ..... (Federal Emergency Management Agency) Head Quarters
HSWA ..... Hazardous and Solid Waste Act
HWMP ..... Hazardous Waste Management Program
IS ..... Initial Study
IS/MND ..... Initial Study/Mitigated Negative Declaration
LAFCo ..... Local Agency Formation Commission
Ldn ..... Day Night Average Sound Level
LEA ..... Local Education Agencies
LOA ..... Live Oak Associates, Inc.
LOS ..... Level of Service

MBTA ..... Migratory Bird Treaty Act
MLD ..... Most Likely Descendent
MMRP ..... Mitigation Monitoring and Reporting Program
MMT ..... Million Metric Tons
$MMTCO_2e$ ..... Million Metric Tons of Carbon Dioxide Equivalent
MND ..... Mitigated Negative Declaration
MRZ ..... Mineral Resource Zone
N_2O ..... Nitrous Oxide
NAHC ..... Native American Heritage Commission
NAAQS ..... National Ambient Air Quality Standards
NCP ..... National Contingency Plan
ND ..... Negative Declaration
NEHRP ..... National Earthquake Hazards Reduction Program
NESHAP ..... National Emission Standards for Hazardous Air Pollutants
NOAA ..... National Oceanic and Atmospheric Administration
NO_2 ..... Nitrogen Dioxide
NO_X ..... Nitrogen Oxide
NPPA ..... Native Plant Protection Act
NPDES ..... National Pollutant Discharge Elimination System
NRCS ..... Natural Resources Conservation Service
NRHP ..... National Register of Historic Places
NWP ..... Nationwide Permit
O_3 ..... Ozone
ONC ..... Office of Noise Control
Pb ..... Lead
PFC ..... Perfluorocarbons
PM_{10} ..... Particulate Matter less than 10 microns in diameter
$PM_{2.5}$ ..... Particulate Matter less than 25 microns in diameter
PPV ..... Peak Particle Velocity
RCRA ..... Resource Conservation and Recovery Act
RMS ..... Root Mean Squared
ROG ..... Reactive Organic Gases
RPA ..... Registered Professional Archaeologist
RWQCB ..... Central Valley Regional Water Quality Control Board

SAFETEA ..... Safe, Accountable, Fixable, and Efficient Transportation Equality Act of 2003
SARA ..... Superfund Amendments and Reauthorization Act
SB ..... Senate Bill
SIP ..... State Implementation Plan
SJVAB ..... San Joaquin Valley Air Basin
SJVAPCD ..... San Joaquin Valley Air Pollution Control District
SJVUAPCD ..... San Joaquin Valley Unified Air Pollution Control District
SIP ..... State Implementation Plan
SO_2 ..... Sulfur Dioxide
SOI ..... Sphere of Influence
SPCC ..... Spill Prevention, Control, and Countermeasure
SR ..... State Route
SWRCB ..... State Water Resources Control Board
SWPPP ..... Storm Water Pollution Prevention Plan
TAC ..... Toxic Air Contaminents
TCAG ..... Tulare County Association of Governments
TCHHSA ..... Tulare County Health and Human Services Agency
TCR ..... Transportation Concept Report
TEA ..... Transportation Equity Act
TPY ..... Tons per Year
TSCA ..... Toxic Substances Control Act
UBC ..... Uniform Building Code
UDB ..... Urban Development Boundary
USDA ..... United States Department of Agriculture
U.S. EPA ..... United States Environmental Protection Agency
USFWS ..... United States Fish and Wildlife Service
VdB ..... Vibration Velocity Levels in Decibels
Vba ..... Vibration Velocity
WDR ..... Waste Discharge Requirements

Chapter 1 Introduction

The City of Porterville (City) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) to address the environmental effects of the proposed Central Mutual Water Company Consolidation Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000, *et seq.* and the State CEQA Guidelines implementing the Act, California Code of Regulations §15000 et seq. Pursuant to CEQA, and as the public agency with primary discretionary authority over project approval, the City of Porterville is the designated "Lead Agency" for the Project.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine preliminarily if a project may have a significant effect on the environment. If the Initial Study indicates a Project may result in potential significant impacts on the environment, or, alternately, if it is known with certainty based on substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment with or without the preparation of an Initial Study, CEQA Guidelines §15064 (a)(1) states that an Environmental Impact Report (EIR) must be prepared. The EIR shall then further evaluate the extent and magnitude of the impact or impacts and determine, against quantitative or qualitative thresholds, whether such impacts rise to the level of "significant". If one or more significant impacts is identified, the lead agency must identify mitigation measures or project alternatives that might avoid or reduce project impacts to a less than significant level.

A "Negative Declaration" is a written statement describing, based upon substantial evidence in the IS, the reasons why a proposed project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines §15371).

According to CEQA Guidelines §15070, a Negative Declaration or a Mitigated Negative Declaration shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The IS identified potentially significant effects, but:

1. Revisions[1] in the project plans or proposals are made by or agreed to by the applicant *before the proposed negative declaration and initial study is released for public review* that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur (or said differently, that all impacts will be less than significant), and

2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project *as revised* may have a significant effect on the environment.

[1] "Revisions" may consist of actual changes or modifications to the project plans or proposals that incorporate mitigation requested or recommended by agencies or individuals commenting on the project prior to public hearing, or may also include documented agreement to incorporate identified mitigation measures into the project prior to or during the construction or operational phase of the Project, as appropriate.

If revisions to the Project agreed to by the applicant mitigate impacts to a less than significant level and are adopted by the Lead Agency as part of the proposed Project, a *Mitigated Negative Declaration (MND)* is prepared in accordance with the CEQA Guidelines §15070(b).

1.2 Document Format

This IS/MND contains four chapters and four appendices. **Chapter 1 Introduction**, provides an overview of the proposed Project and the CEQA environmental documentation process. **Chapter 2 Project Description**, provides a detailed description of proposed Project components and objectives. **Chapter 3 Impact Analysis**, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. **Chapter 4 Mitigation Monitoring and Reporting Program** (MMRP), provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation.

The following appendices are at the end of this document:

Appendix A – CalEEMod Output Files/Report
Appendix B – Biological Evaluation Report
Appendix C – Cultural Resources Inventory and Evaluation
Appendix D – Tribal Consultation Letters

Environmental impacts are separated into the following categories:

Potentially Significant Impact. This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Less than Significant with Mitigation Incorporated. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

Less Than Significant Impact. This category is identified when the Proposed Project would result in impacts below the threshold of significance, and no mitigation measures are required.

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (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.).

Chapter 2 Project Description

2.1 Project Background and Objectives

2.1.1 Project Title

Central Mutual Water Company Consolidation Project

2.1.2 Lead Agency Name and Address

City of Porterville

291 N. Main Street
Porterville, CA 93257

2.1.3 Contact Person and Phone Number

Lead Agency Contact

Julie D. Phillips, AICP
Community Development Manager

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Consultant

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Amy Wilson, Environmental Project Manager
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2.1.4 Project Location

The Project is located in southwestern Tulare County, central California, approximately 221 miles southeast of Sacramento and 45 miles north of Bakersfield (see **Figure 2-1.** Regional Location). The Project location consist of an approximately 20-acre parcel located immediately south of the intersection of West Gibbons Avenue and South Kessing Street. The Project runs parallel to Kessing Street, adjacent to the southern border of the City of Porterville's city limits and Urban Development Boundary (UDB)/Sphere of Influence (SOI), the site is currently outside of both the City limits and the UDB/SOI boundary. The Project site is located within a single-family residential neighborhood and to the east and west of the neighborhood (**Figure 2-2** and **Figure 2-3**), Section 2, Township 22 South, Range 27 East, MDB&M, at Latitude 36.038648, Longitude -119.025309 (**see Figure 2-3.**).

2.1.5 Latitude and Longitude

The centroid of the parcels is 36.038809, -119.025300

2.1.6 City of Porterville General Plan Land Use Designation

Alternative 1:
Medium Residential
Parks and Recreation
Public Institutional
Low Density Residential
Rural Residential
Retail Centers
Neighborhood Commercial

Alternative 2:
Rural Residential
Low Density Residential

2.1.7 Zoning

Alternative 1:
Tulare County Zoning:
R-A - Rural Residential Zone
AE-10 – Exclusive Agriculture, 10-acres
AE-20 -- Exclusive Agriculture, 20-acres
M-1 – Light Industrial

Alternative 2:
Tulare County Zoning:
R-A - Rural Residential Zone

2.1.8 Description of Project

2.1.8.1 Project Background:

The Central Mutual Water Company (CMWC) is a private water company serving approximately 30 homes and one commercial business (day-care center) just south of the City of Porterville. The unincorporated community is located near the intersection of W. Gibbons Avenue and S. Kessing Street and is surrounded by agricultural fields on all sides. The Central Mutual Water Company system consists of one well on the west side of South Kessing Street, south of Gibbons Avenue. The well is approximately 200 feet deep, equipped with a 15-horsepower submersible pump and produces approximately 180 gallons per minute (gpm). There is also an 1,800-gallon hydropneumatic tank on the same parcel as the well. The water distribution system includes two 6" steel water mains that run parallel for approximately 1,300 feet in a north-south alignment in S. Kessing Street. All service connections branch from these mains. There are 3 fire hydrants, 39 1-inch services, and one 2-inch water service. The CMWC well is failing, having been repaired intermittently over the past several years, with connection to the City of Porterville, this well will be abandoned.

In order to accommodate the request for consolidation for CMWC, the City's UDB/SOI will expand and the City will annex the CMWC community into the City.

2.1.8.2 Project Components

Water System Consolidation

The proposed Project entails construction of an approximately 1,300-foot, 8-inch PVC water main along South Kessing Street. The main will be set six feet east of centerline and will connect via tapping sleeve to the existing 16-inch City main within W. Gibbons Avenue. Additionally, approximately 40 1-inch service connections with meters will be installed. Each parcel will have one service connection from the main. If a parcel requires two services, one 2-inch service will be provided and split into two 1-inch services with 1-inch meters. One property will be connected directly to the City main in W. Gibbons Avenue. Fire hydrants will be installed at maximum intervals of 500 feet. The existing water system will be abandoned in place, and the owners of CMWC will instead become customer of the City of Porterville. The Project also includes abandonment of the existing well in accordance with County standards.

The Project site will contain all construction, staging, and lay-down areas for the Project. Because this Project component would result in direct physical change to the environment, it is the primary focus of this initial study.

Annexation of the CMWC Properties

As part of the proposed Project, the City also intends to annex approximately 19.53 acres into the City of Porterville to allow for the extension of water services to the residents of CMWC. The 37 APNs to be annexed are listed below:

269-071-002, 269-071-003, 269-071-004, 269-071-005, 269-071-007, 269-071-008, 269-071-009, 269-071-010, 269-071-011, 269-071-012, 269-071-013, 269-071-014, 269-071-015, 269-071-016, 269-071-017, 269-071-018, 269-071-019, 269-071-020, 269-072-001, 269-072-002, 269-072-004, 269-072-005, 269-072-006, 269-072-007, 269-072-009, 269-072-010, 269-072-011, 269-072-012, 269-072-013, 269-072-014, 269-072-015, 269-072-016, 269-072-017, 269-072-018, 269-072-019

These lots will be pre-zoned Rural Residential. The Local Agency Formation Commission of Tulare County (LAFCo) will consider approval of the City's proposed annexation. The annexation of the community of CMWC is not anticipated to promote any further development on those properties, but rather allow for the extension of water services to the residents.

Expansion of the Urban Development Boundary/Sphere of Influence

To facilitate the annexation, the City also intends to expand its Sphere of Influence (SOI) and Urban Development Boundary (UDB). The current UDB/SOI is illustrated in **Figure 2-2** and contains approximately 11,989 acres. In the vicinity of CMWC, the City's SOI and UDB parallel W. Gibbons Avenue between S. Indiana Street and S. Crestview Street.

The City is considering two alternative alignments of the UDB/SOI. Alternative 1 would move the SOI/UDB south approximately one-quarter mile to the E. Scranton Avenue alignment, adding a total of approximately 377 acres to the UDB/SOI and include the current CMWC service area (**Figure 2-2**). The concept behind Alternative 1 is to minimize disjoined boundary and identify a clear growth area.

Alternative 2 would move the UDB/SOI only in the area to incorporate existing water systems south of Gibbons Avenue, adding a total of approximately 25 acres to the UDB/SOI. (**Figure 2-3**) This limits the City's growth potential to the south and provides only a mechanism to assist existing development. Any development south of Gibbons would be only subject the County development standards and limit the City's ability to have input.

The Local Agency Formation Commission of Tulare County (LAFCo) will consider approval of the City's proposed UDB/SOI expansion. Expansion of the UDB/SOI would allow for the previously mentioned annexation to be approved. The proposed expansion of the UDB/SOI is not intended to facilitate any other foreseeable annexation, beyond the CMWC annexation. Nor is intended to facilitate development, and therefore would not directly or indirectly result in any physical change to the environment.

2.1.8.3 Operation and Maintenance

All future maintenance on the water lines will be performed by the City of Porterville.

2.1.8.4 Construction

Construction of the Project is anticipated to be completed within two months. Generally, construction will occur during the hours of 7am to 5pm, Monday through Friday, excluding holidays. Post-construction activities will include site system testing, commissioning, and site clean-up. Construction will require a small amount of temporary staging and some storage areas for materials and equipment. Material staging and storage will be located at the well site, and in the road right-of-way on Kessing Street.

Although construction is not expected to generate hazardous waste, field equipment used during construction has the potential to contain various hazardous materials such as diesel fuel, hydraulic oil, grease, solvents, adhesives, paints, and other petroleum-based products.

2.1.9 Surrounding Land Uses and Setting

The proposed Project is located adjacent to the City of Porterville, within the Tulare County in California's Central San Joaquin Valley (**see Figure 2-1.** Regional Location) Tulare County is bordered by Fresno, Kings, Kern, and Inyo Counties. There are eight incorporated cities in Tulare County, all located on the Valley floor. The major north-south transportation routes are State Route (SR) 43, SR 99, and SR 65. Major east-west routes include SR 198 and SR 190.

Respectively, immediately south, east and west of the UDB/SOI Alternative 1 and Alternative 2 are agricultural uses and rural residences. North of the UDB/SOI Alternatives is vacant ag land, rural residences, and a residential neighborhood. (**See Figure 2-1 and Figure 2-3**)

2.1.10 Other Public Agencies Whose Approval May Be Required:

Ministerial approvals and agreements that may be required:

- Regional Water Quality Control Board, Central Valley Region
- State Water Resources Control Board
- San Joaquin Valley Air Pollution Control District – rules and regulations (Regulation VIII, Rule 9510, Rule 2201, Dust Control Plan)
- LAFCo approval of the expansion of the UDB/SOI

2.1.11 Consultation with California Native American Tribes

Pursuant to Assembly Bill 52 (AB 52; codified at Public Resources Code Section 21080.3.1, *et seq.*), a lead agency, within 14 days of determining that an application is complete, must notify any Native American Tribe that has previously requested such notification about the project and inquire whether the Tribe wishes to

initiate formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made. Although Merced County has not received a written request from any California Native American Tribe requesting notification of upcoming projects, the Native American Heritage Commission (NAHC) recommends that lead agencies proactively attempt to engage Tribes traditionally affiliated with the area.

On behalf of the City of Porterville, ASM contacted the NAHC for a Local Government Tribal Consultation List, which was received January 3, 2017. On November 17, 2017, the City sent letters to the following Tribes via certified mail:

- Julie Turner, Secretary, Kern Valley Indian Council;
- Rueben Barrios Sr., Chairperson, Santa Rosa Rancheria Tachi Yokut Tribe;
- Neil Peyron, Chairperson, Tule River Indian Tribe;
- Robert L. Gomez, Jr., Tribal Chairperson, Tubatulabals of Kern Valley;
- Kenneth Woodrow, Chairperson, Wuksache Indian Tribe/Eshom Valley Band;

No responses have been received. All Tribal correspondence is included within **Appendix D** to this initial study.

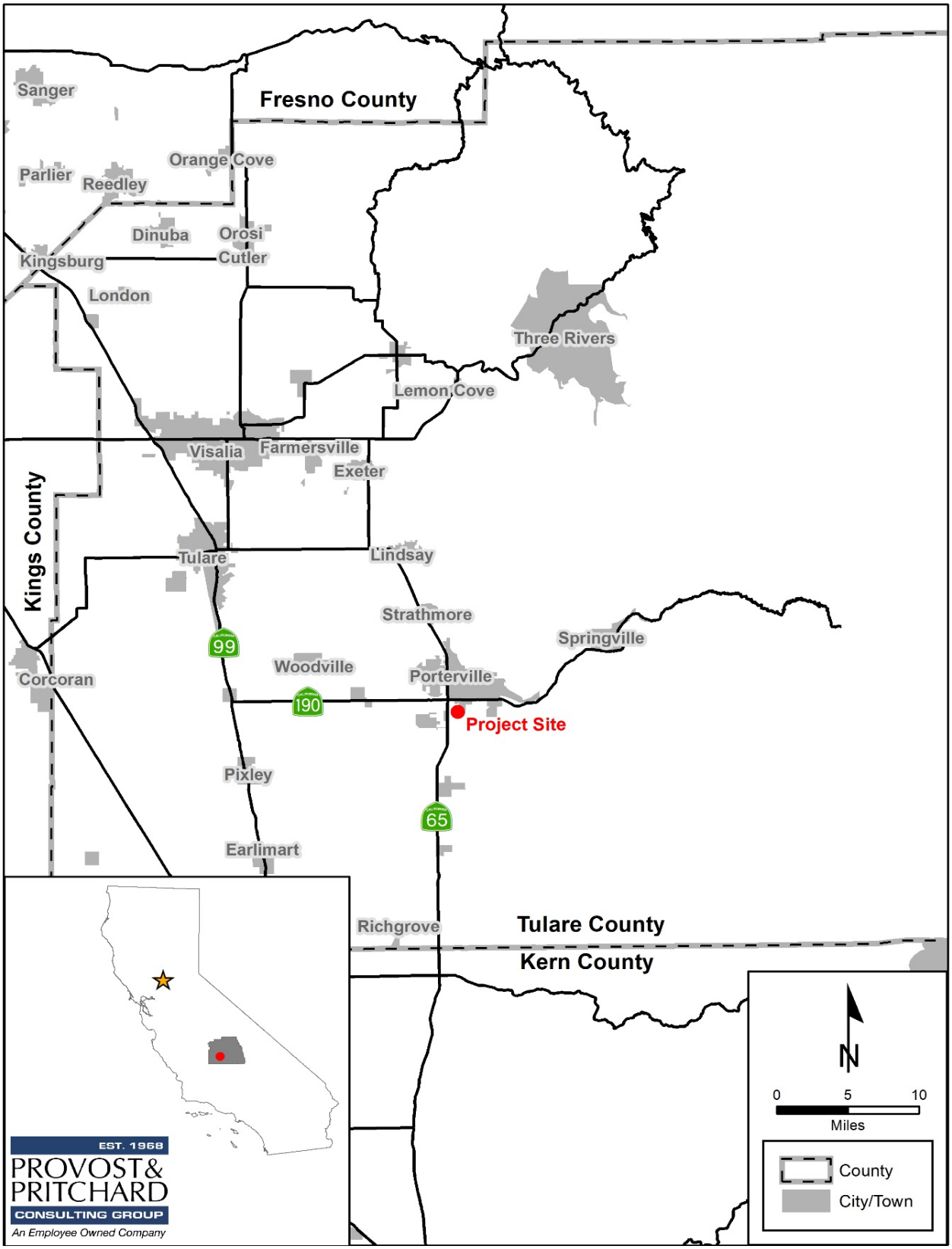

Figure 2-1. Regional Location

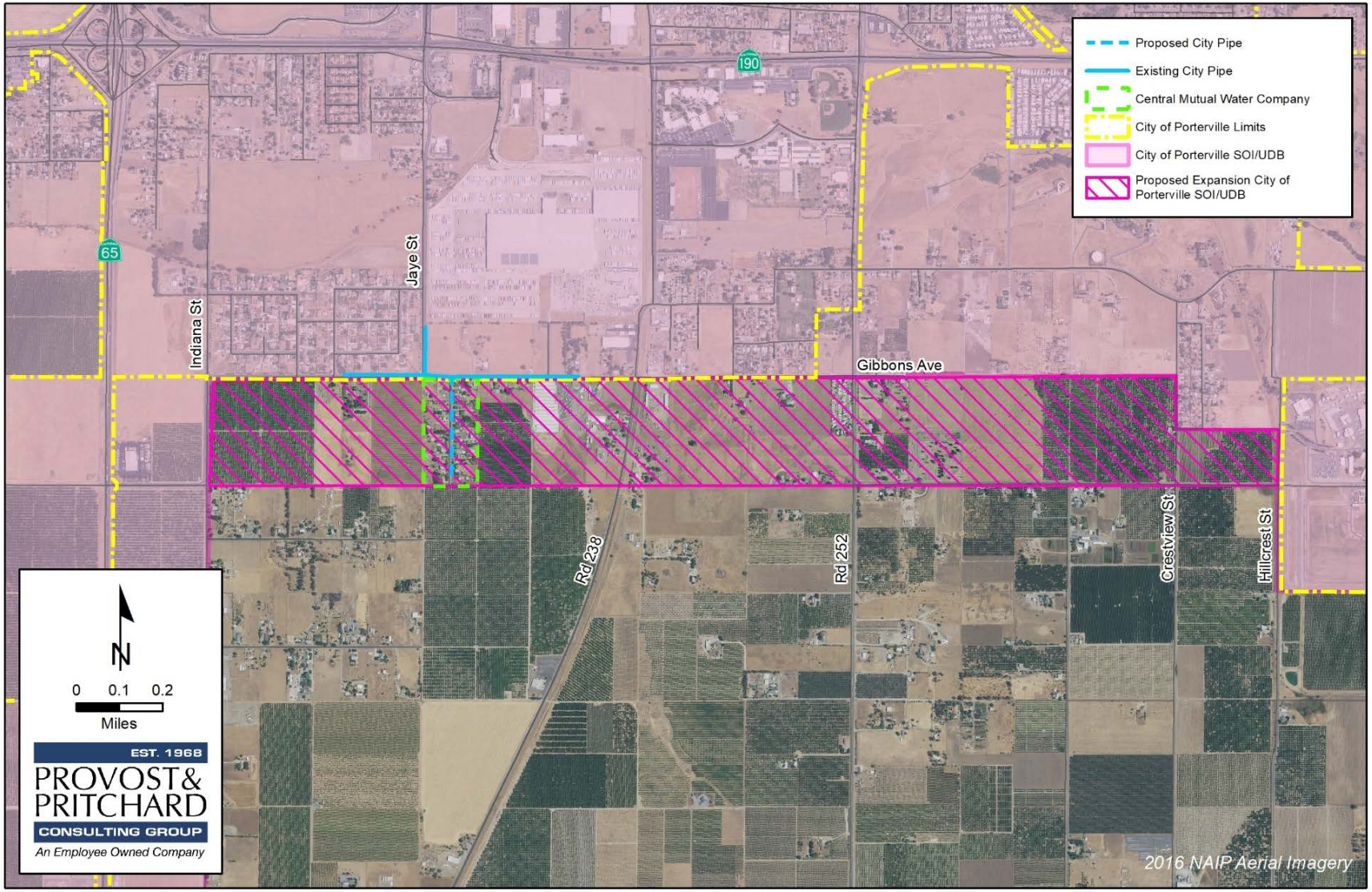

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Figure 2-2. Project Area – Alternative 1

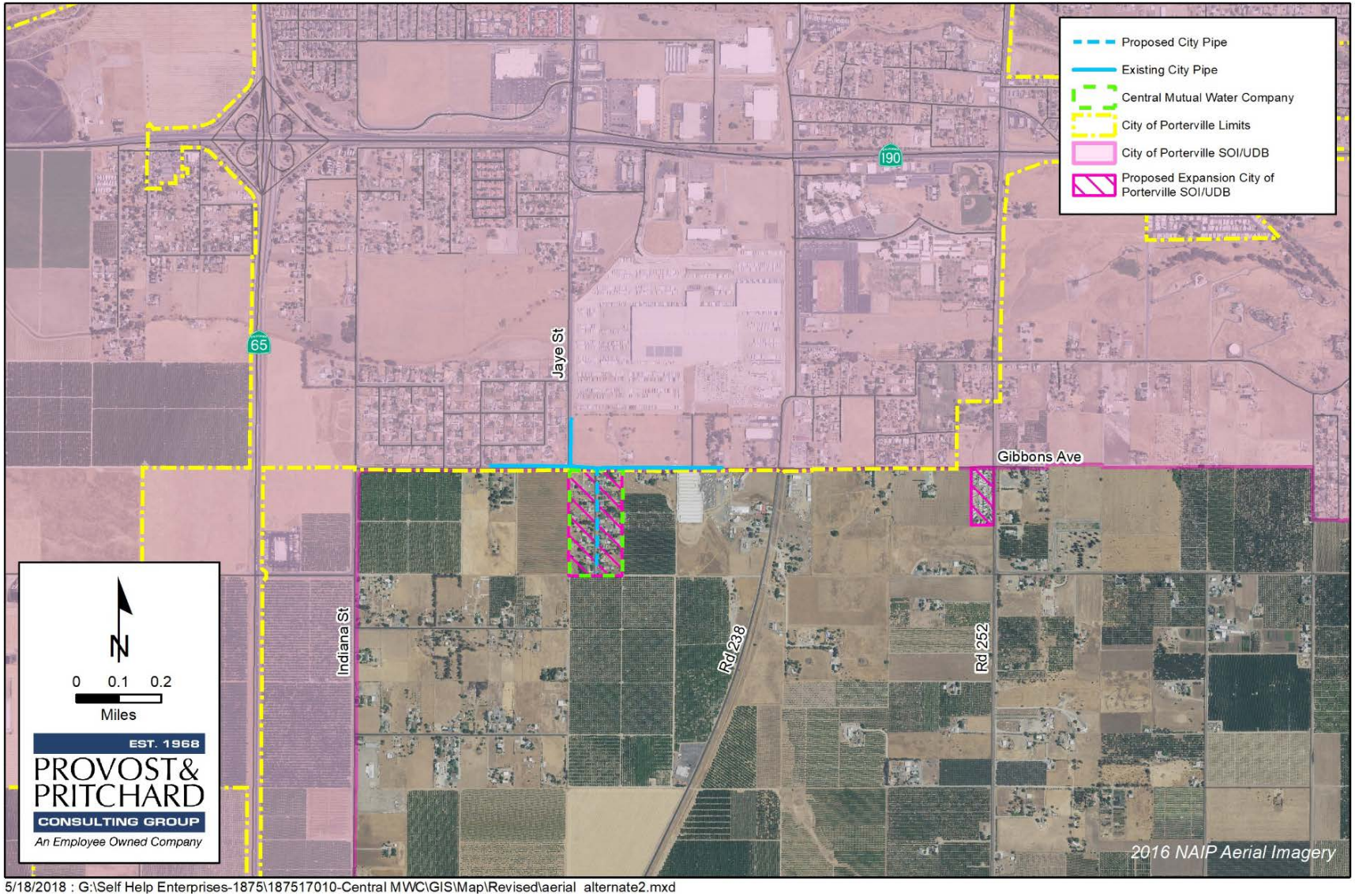

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Figure 2-3. Project Area – Alternative 2

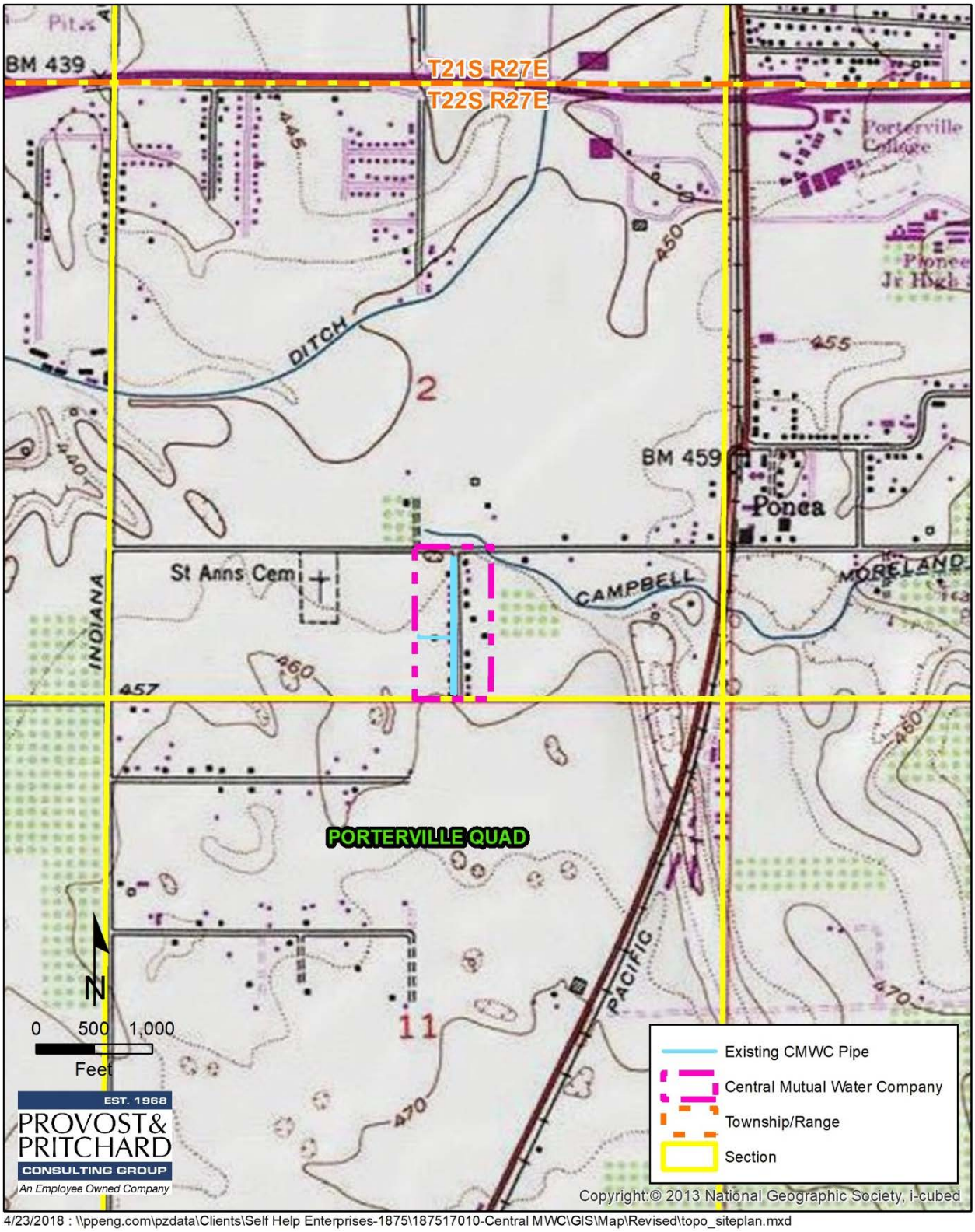

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Figure 2-4. Topographic Map

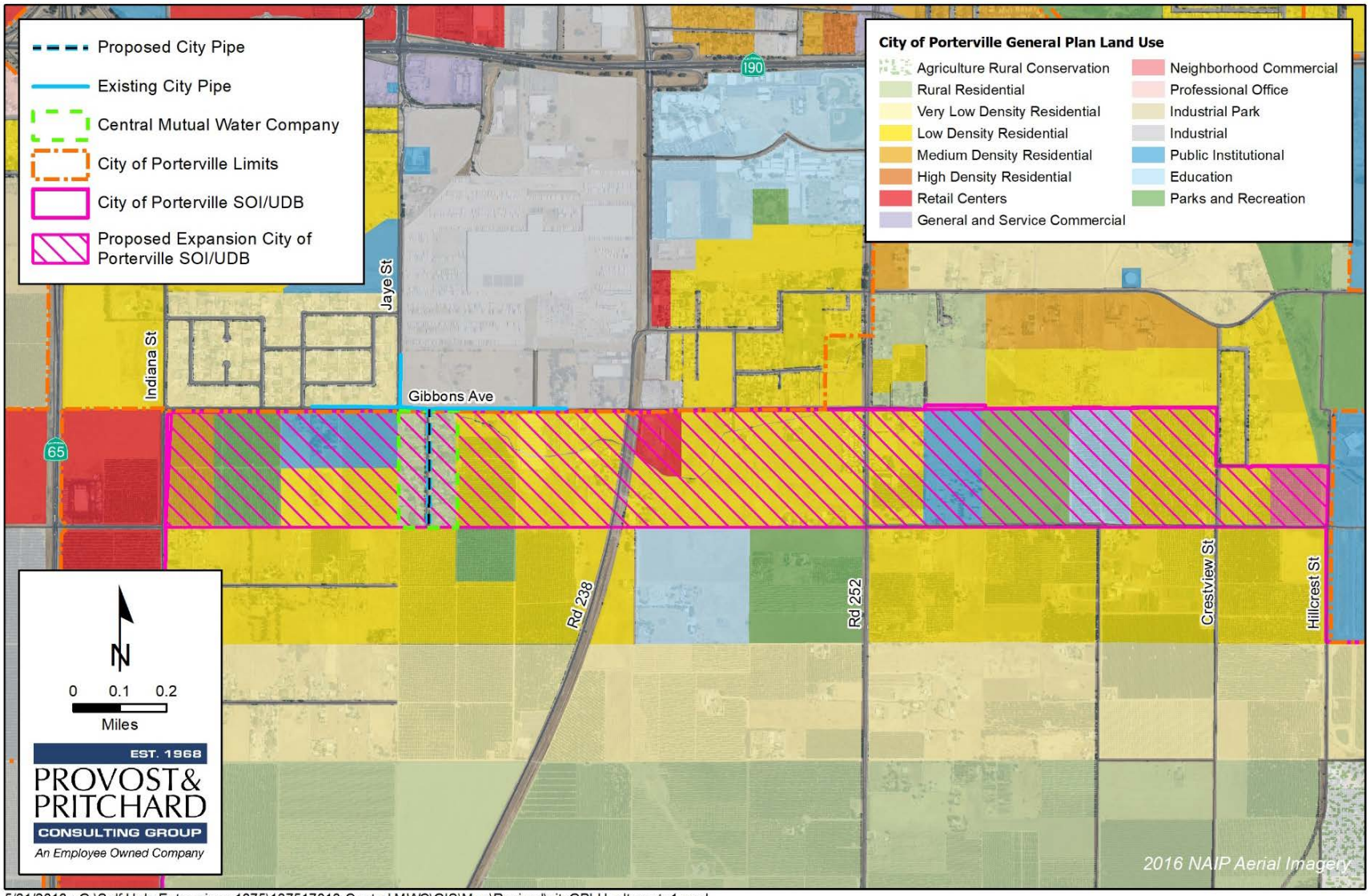

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Figure 2-5. City of Porterville General Plan Land Use – Alternative 1

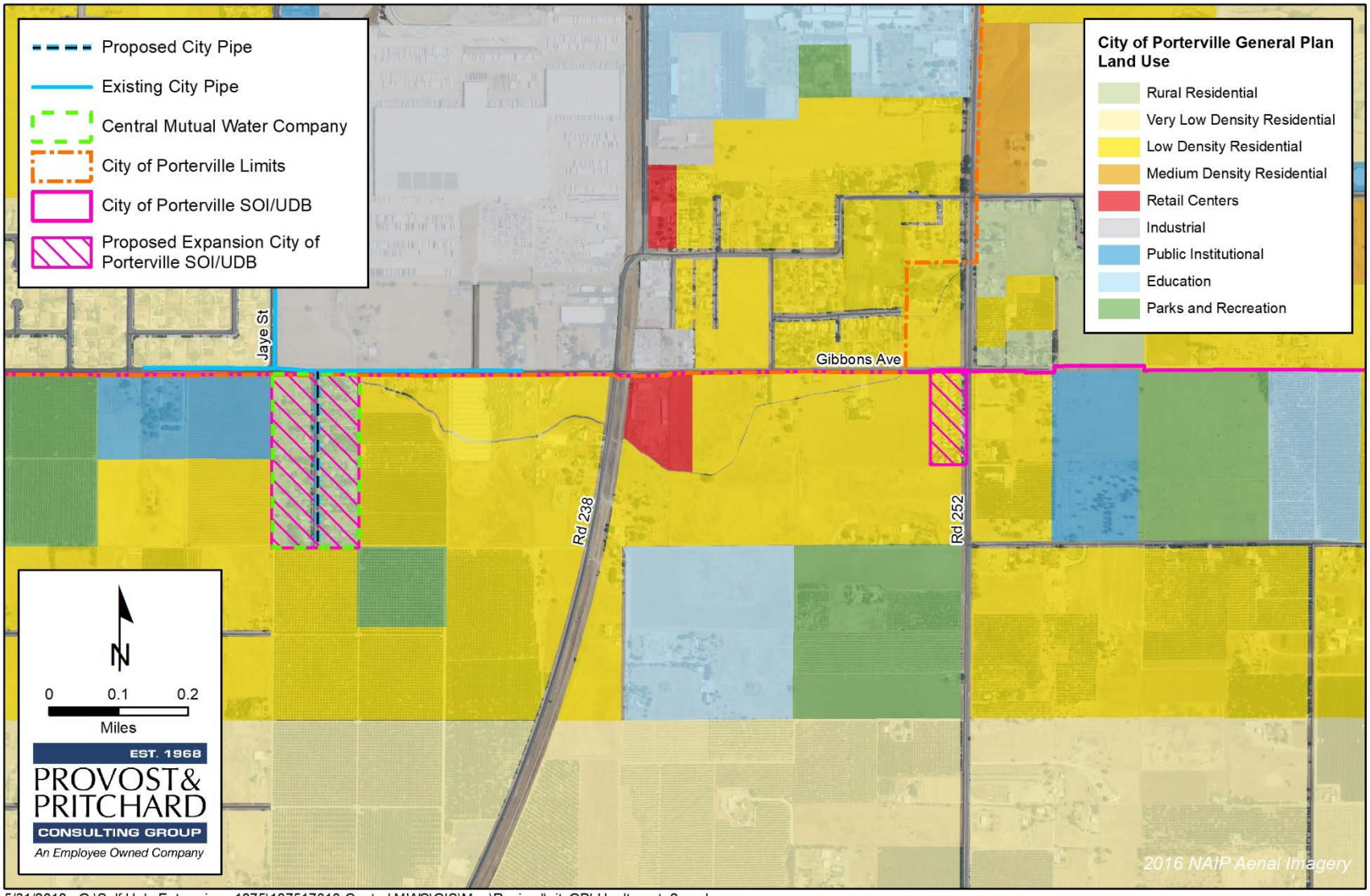

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Figure 2-6. City of Porterville General Plan Land Use – Alternative 2

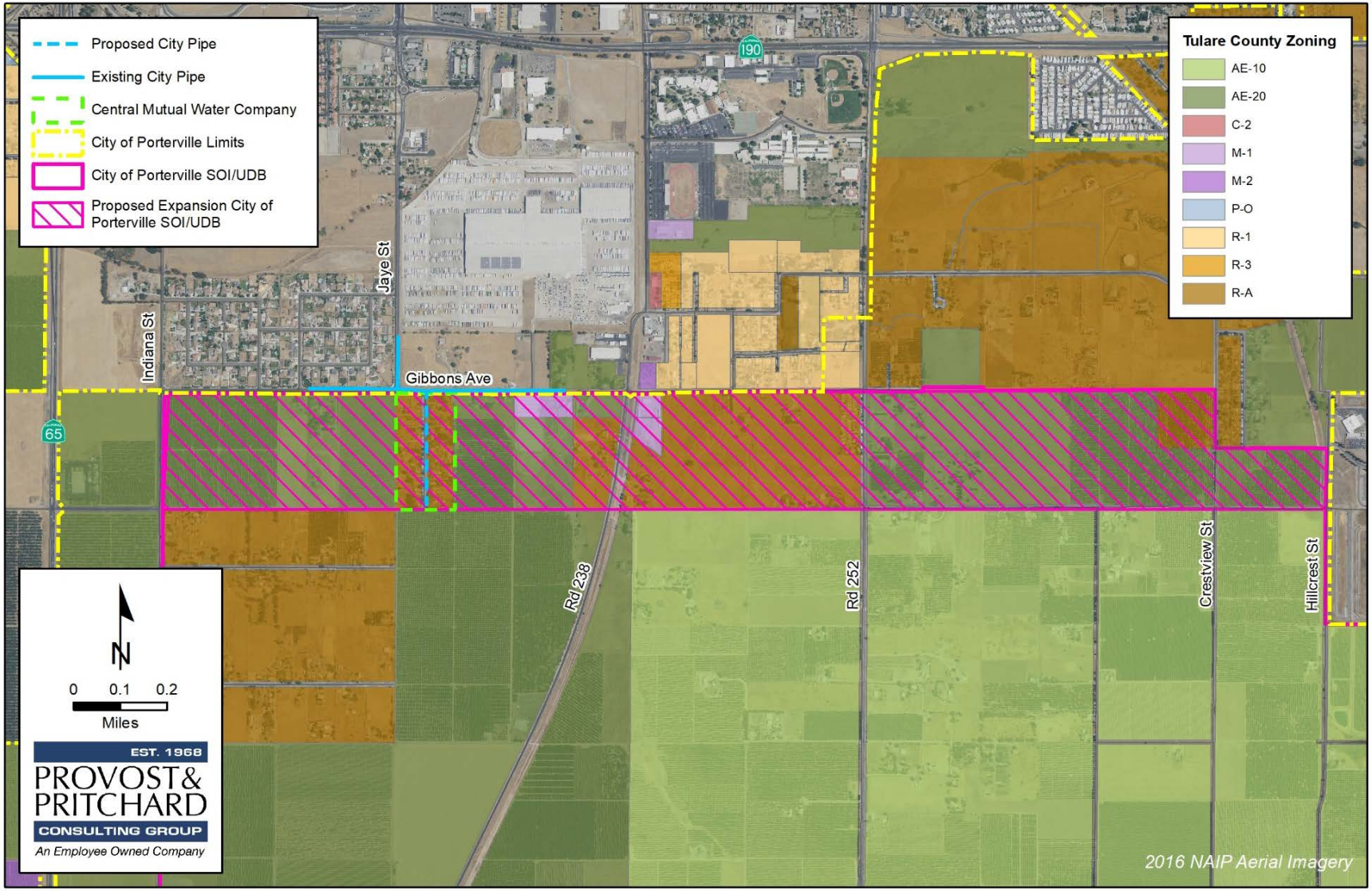

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Figure 2-7. Tulare County Zoning – Alternative 1

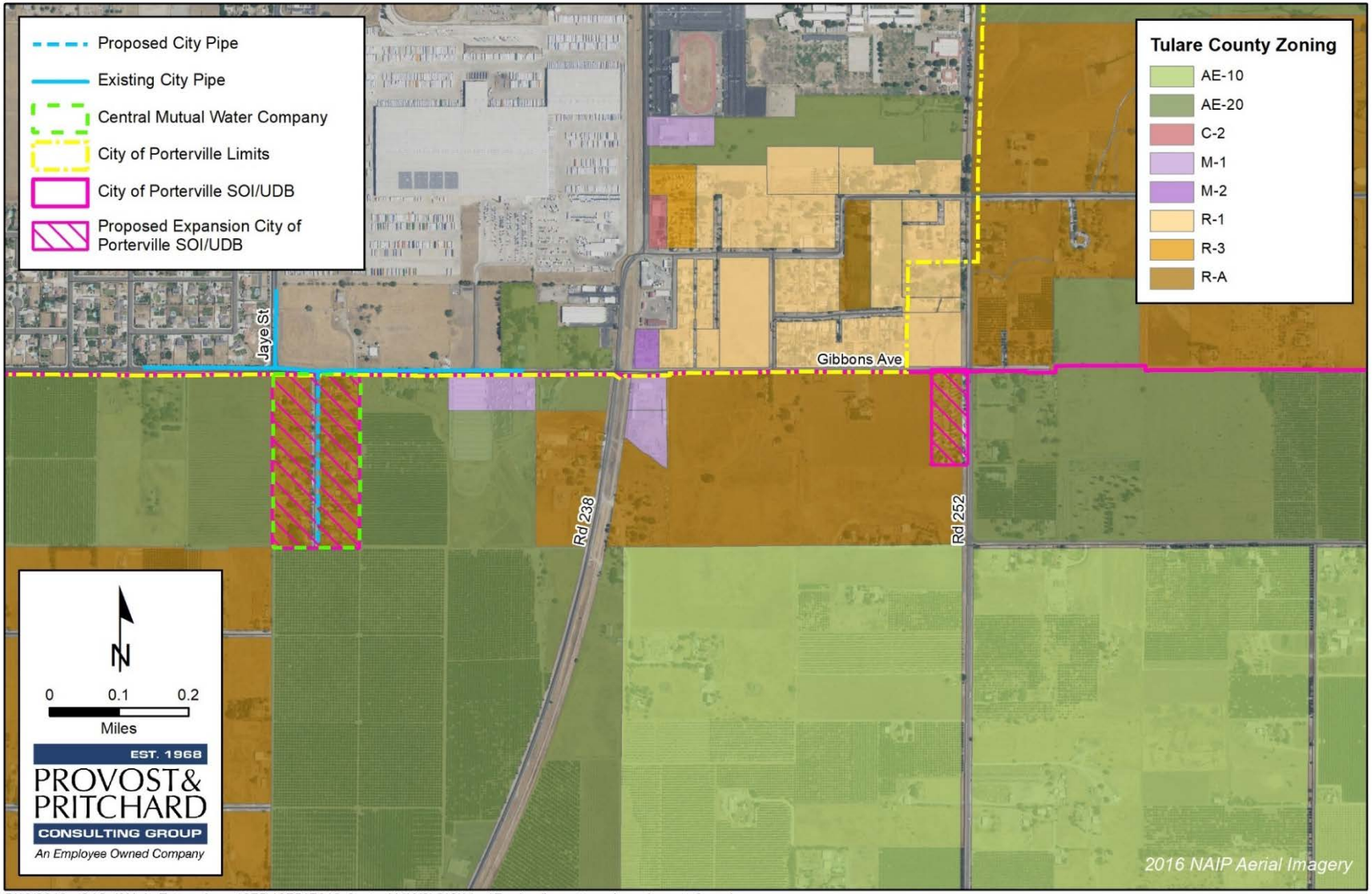

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Figure 2-8. Tulare County Zoning – Alternative 2

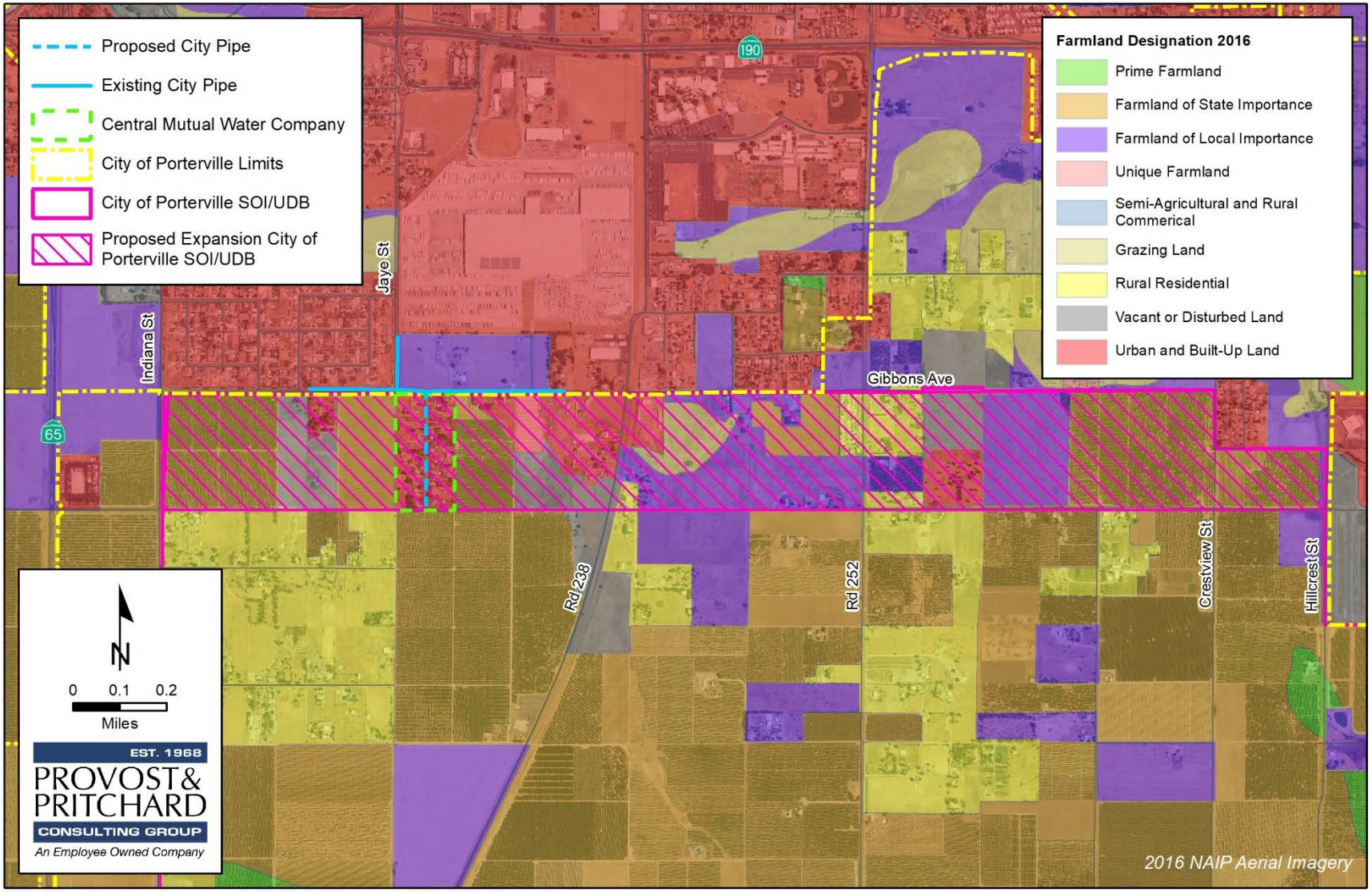

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Figure 2-9. Farmland Designation Map - Alternative 1

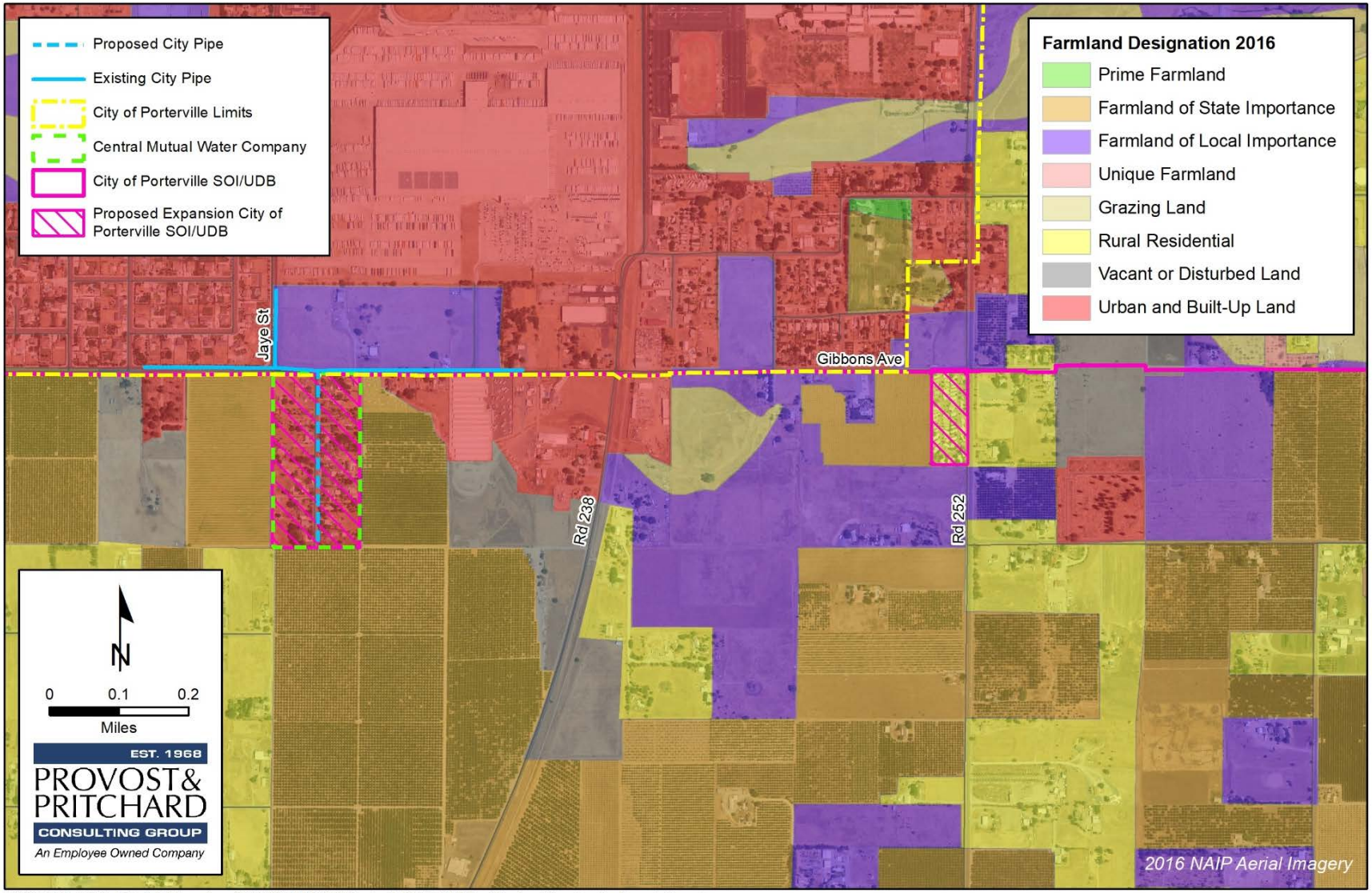

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Figure 2-10. Farmland Designation Map - Alternative 2

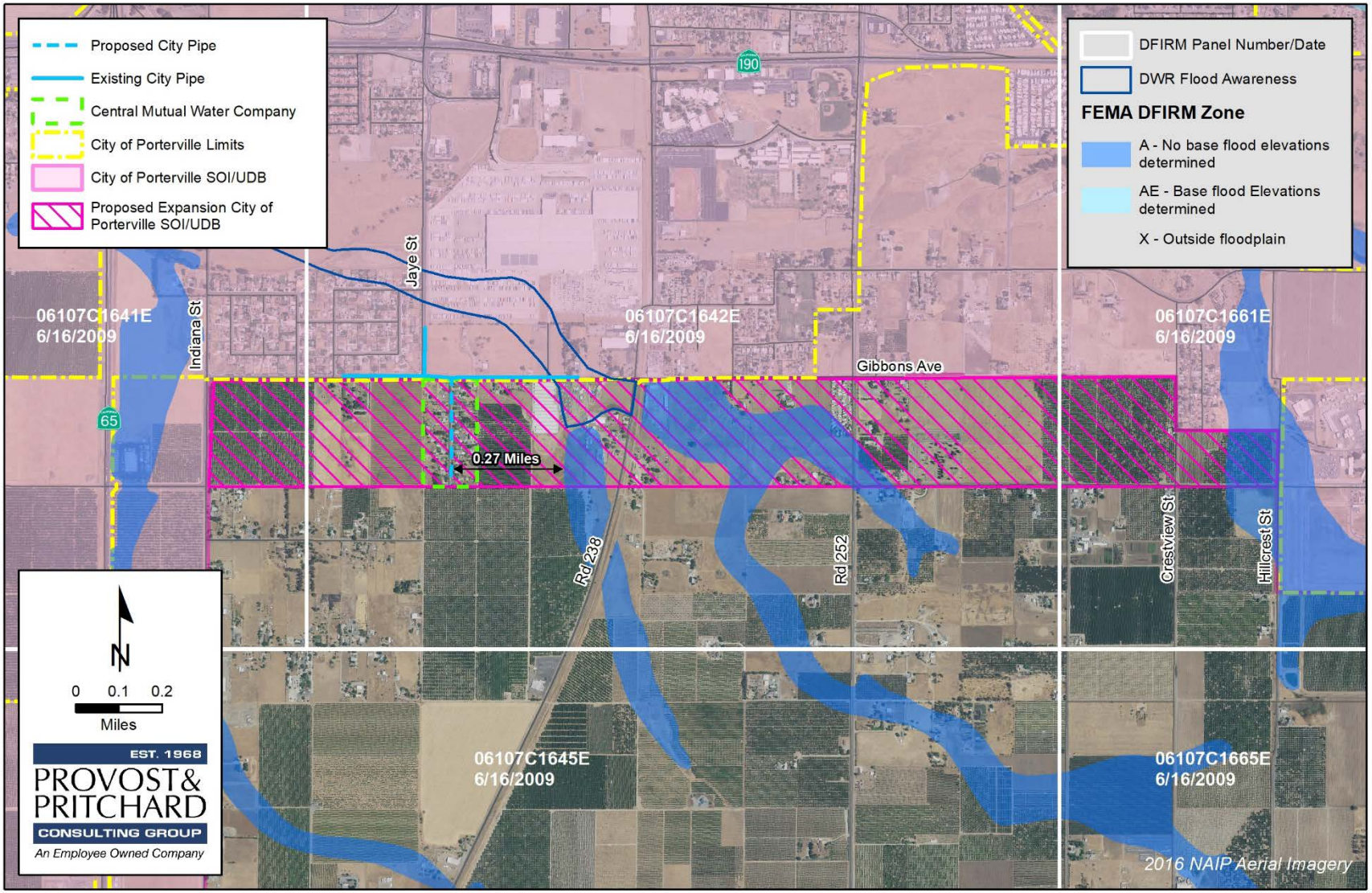

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Figure 2-11. FEMA Map – Alternative 1

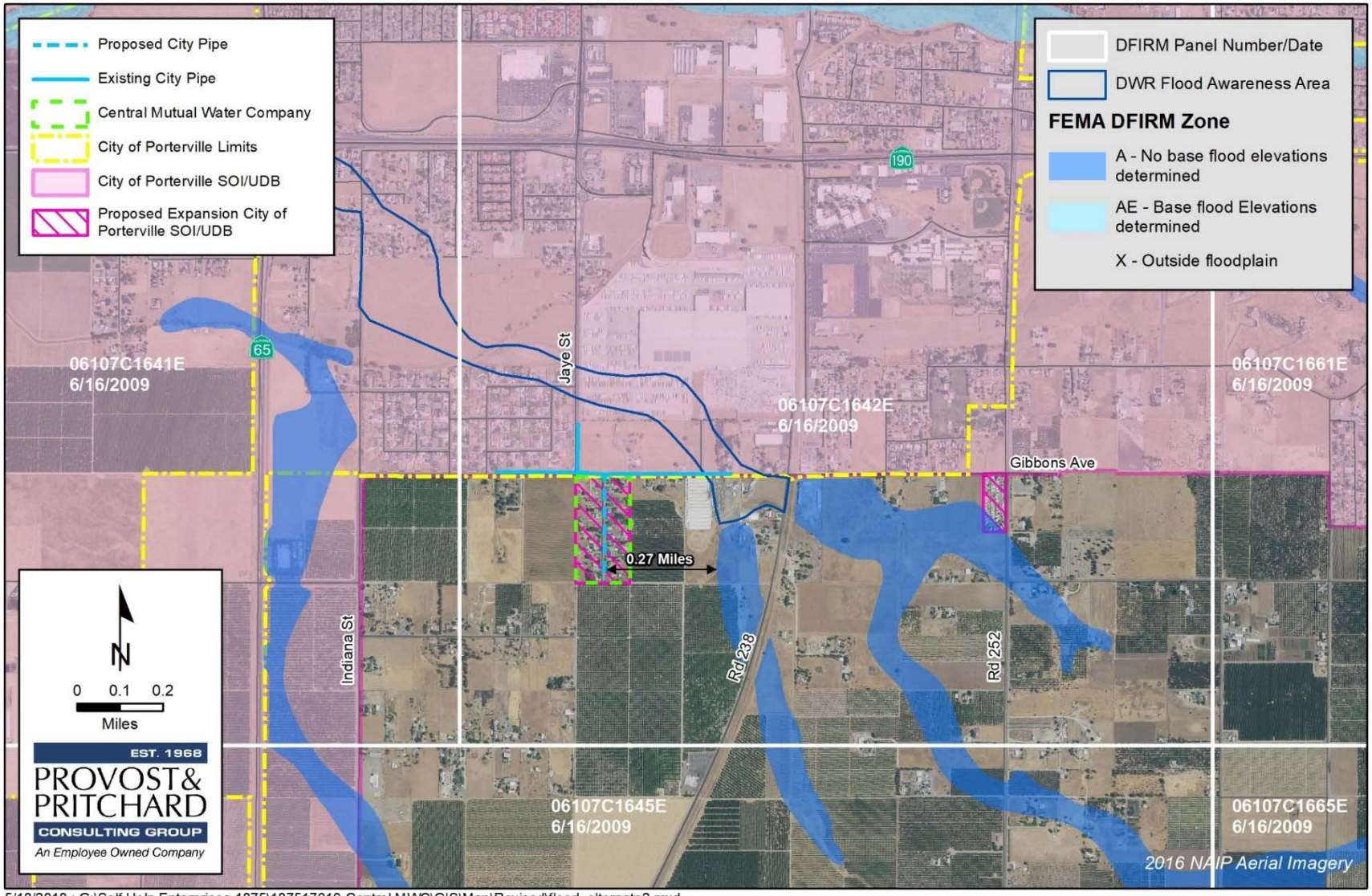

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Figure 2-12. FEMA Map - Alternative 2

2.2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)
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 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL 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.

J. M. Byers

Jennifer M. Byers
Community Development Director

3/5/2020

Date

Chapter 3 Impact Analysis

3.1 Aesthetics

Table 3-1. Aesthetics

Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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 which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

3.1.1 Environmental Setting

Porterville evolved as a valley agriculture center. Downtown Porterville is similar to many older Central Valley downtown districts, with a mixture of retail, public facilities, and older residential neighborhoods. Larger commercial, agriculture, and newer residential neighborhoods are located further out from the city center. Some industrial land is located adjacent to State Route 190 (SR 190) and Union Pacific Railroad. Parks and schools are distributed throughout residential neighborhoods within the City.

The proposed Project is located immediately south of the city limits and UDB/SOI of the City of Porterville. Lands in the Project vicinity consist of relatively flat, irrigated farmland, residential homes, and urban uses. Agricultural practices in the vicinity consist of row crops, groves, field crops. Additionally, there are paved roadways, canals, and other infrastructure typical of rural-urban land uses. The Project will be located along and in a residential street (Kessing Street), with the pipeline portion being underground. Therefore, the proposed Project will not permanently alter the aesthetics of its vicinity.

3.1.2 Regulatory Setting

3.1.2.1 Federal

Federal regulations relating to aesthetics include: Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The Proposed Project is not subject to any of these regulations since there are no federally designated lands or rivers in the vicinity[2].

[2] National Wild and Scenic River System in the US. Interactive Map. https://www.rivers.gov/ Accessed 10 January 2017.

3.1.2.2 State

California Scenic Highway Program: The Scenic Highway Program allows county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program which was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. Route 190 from the Route 65 in Porterville to Route 127 near Death Valley Junction is eligible, but not officially designated, for the Scenic Highways Program.[3] While not officially Designated State Scenic Highways, there are two State Highways Eligible Scenic in the greater Tulare County, State Route (SR) 198 and SR 190.

3.1.2.3 Local

In addition, the proposed Project is being evaluated pursuant to local CEQA policies relevant to the Project as listed below.

Porterville General Plan Policies:

- LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
- LU-I-3: Amend the Urban Development Boundary (UDB) in order to guide growth through annexation and development, and the efficient extension of public services to new areas.
- LU-I-4: Seek LAFCo approval of a Sphere of Influence (SOI) line that accommodates planned urban development under a General Plan.
    - This policy is not intended to limit extension of services to existing rural uses, nor deny existing rural property owners the option of requesting annexation.
- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

Tulare County General Plan Policies:

- SL-1: To protect and feature the beauty of Tulare County's view of working and natural landscapes.
    - SL-1.1: Natural Landscapes – During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate, require new development to not significantly impact or block views of Tulare County's natural landscapes.
    - SL-1.2: Working Landscapes – The County shall require that new non-agricultural structures and infrastructure located in or adjacent to croplands, orchards, vineyards, and open rangelands be sited so as to not obstruct important viewsheds and to be designed to reflect unique relationships with the landscape by:
        - Referencing traditional agricultural building forms and materials,
        - Screening and breaking up parking and paving with landscaping, and
        - Minimizing light pollution and bright signage.

[3] 2030 General Plan Draft EIR (SCH#2006011033) p. 57

- SL-1.3: Watercourses – The County shall protect visual access to, and the character of, Tulare County's scenic rivers, lakes, and irrigation canals by:
  - Locating and designing new development to minimize visual impacts and obstruction of views of scenic watercourses from public lands and rights-of-way, and
  - Maintaining the rural and natural character of landscape viewed from trails and watercourses used for public recreation.

- SL-2: To protect the scenic views for travelers along the County's roads and highways.

3.1.3 Impact Assessment

I-a) Would the project have a substantial adverse effect on a scenic vista?

a) Less Than Significant Impact. The proposed Project has a potential scenic vista towards the east, the Sierra Nevada Mountain Range; however, the view is obstructed by several mature trees, single-family residential homes, and overhead utility lines. Views from all four cardinal directions consist of citrus groves to the south, residential homes to the east and west, and vacant land to the north. The proposed Project will not substantially alter the referenced vistas as the proposed Project will be located almost entirely underground. Construction will take place over approximately two months; these activities will be temporary and will not affect a scenic vista. Therefore, the proposed Project would have a less than significant impact.

I-b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

b) Less Than Significant Impact. There are no scenic resources located on site or in the vicinity of the proposed Project site. The nearest highway that is eligible for listing as a state scenic highway is the eastern portion of State Route 190 where it is bisected by State Route 65, located approximately 0.80 miles north of the Project. Any impacts would be less than significant.

I-c) Would the project, 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?

c) Less Than Significant Impact. The existing visual character of the proposed Project and its surrounding consist of irrigated farmland and single-family residential homes. The proposed Project involves replacing aged public infrastructure within existing rights-of-way. Upon completion of construction, the proposed Project will not substantially change the visual quality of the site and its surrounding areas. Any visual impacts from construction would be temporary and less than significant.

I-d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) No Impact. The proposed Project would replace existing infrastructure and construct facilities of similar character to existing conditions. There would be no nighttime construction; therefore, there would be no vehicular traffic on site during nighttime hours when vehicle headlights have the potential to create glare, and once construction is completed there would be no daytime vehicular traffic relevant to the Project. Accordingly, the Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. There would be no impact.

3.2 Agriculture and Forestry Resources

Table 3-2. Agriculture and Forest Resources

Agriculture and Forest Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

3.2.1 Environmental Setting

The proposed Project is located in southwestern Tulare County, central California; approximately 221 miles southeast of Sacramento and 45 miles north of Bakersfield (**see Figure 2-1.** Regional Location). The 20-acre Project site is located south of W. Gibbons Avenue, approximately 2,000 feet west of S. Main Street.

In 2015, Tulare County grew more than 120 different agricultural commodities, of which forty-five generated more than one million dollars annually. Tulare County continues to produce high-quality crops that provide food and fiber to more than 90 countries throughout the world.[4]

3.2.2 Regulatory Setting

3.2.2.1 Federal

Farmland Protection Policy Act: The Natural Resources Conservation Service, a federal agency within the U.S. Department of Agriculture, is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities:

[4] Tulare County Ag Commissioner's 2015 Annual Crop and Livestock Report
http://agcomm.co.tulare.ca.us/default/assets/File/2015%20Crop%20Report%20FINAL.pdf

Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with State, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years (USDA-NRCS, 2011).[5]

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers. It maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.[6]

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist in the Project vicinity.

3.2.2.2 State

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation's 2012 Farmland Mapping and Monitoring Program (FMMP) is a non-regulatory program that produces "Important Farmland" maps and statistical data used for analyzing impacts on California's agricultural resources. The Important Farmland maps identify eight land use categories, five of which are agriculture related: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and grazing land – rated according to soil quality and irrigation status. Each is summarized below[7]:

• PRIME FARMLAND (P): Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

[5] Farmland Protection Policy Act. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/?ss=16&navtype=SUBNAVIGATION&cid=nrcs143_008275&navid=100170180000000&position=Welcome.Html&ttype=detail
Accessed 10 January 2017.

[6] 2014 Farm Bill. http://www.ag.senate.gov/issues/farm-bill Accessed 01 January 2017.

[7] California Department of Conservation. FMMP – Report and Statistics. http://www.conservation.ca.gov/dlrp/fmmp/products/Pages/ReportsStatistics.aspx. Accessed 10 January 2016.

• FARMLAND OF STATEWIDE IMPORTANCE (S): Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

• UNIQUE FARMLAND (U): Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non- irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

• FARMLAND OF LOCAL IMPORTANCE (L): Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

• GRAZING LAND (G): Land on which the existing vegetation is suited to the grazing of livestock. The minimum mapping unit for Grazing Land is 40 acres.

• URBAN AND BUILT-UP LAND (D): Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

• OTHER LAND (X): Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

• WATER (W): Perennial water bodies with an extent of at least 40 acres.

The state of California Department of Conservation 2012 FMMP for Tulare County designates the site as Urban and Built-Up Land, as shown in **Figure 2-9**.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in Government Code Sections 51200-51297.4, and is applicable only to specific parcels of land within California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open-space uses in return for reduced property tax assessments. Private land within locally-designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. To meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC) in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal is filed, or cancellation is requested. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the

California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.[8]

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. As with the Williamson Act, Farmland Security Zone classification automatically renews each year. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses[9].

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist in the Project vicinity.

3.2.2.3 Local

Porterville General Plan Policies:

- OSC-G-4: Promote preservation of agriculture lands within and adjacent to the Planning Area
- OSC-I-18: Adopt a Right to Farm Ordinance to facilitate the continuance of agricultural activities within the Planning Area until the land is needed to accommodate population and employment growth.

Tulare County General Plan:

- Policy AG-1: To promote the long-term preservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that supports the viability of agriculture and further the County's economic development goals.
    - *AG-1.1:* Primary Land Use – The County shall maintain agriculture as the primary land use in the valley region of the County, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation of open space and natural resources.
    - *AG-1.17:* Agricultural Water Resources – The County shall seek to protect and enhance surface water and groundwater resources critical to agriculture.

3.2.3 Impact Assessment

II-a) 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 non-agricultural use?

a) No Impact. Pursuant to CEQA Statute §21060.1, "Agricultural land" means Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria. The proposed construction portion of the Project site is identified as "Urban and Built-up Land" by the California Farmland Mapping and Monitoring Program as shown in **Figure 2-9** and **Figure 2-10**, no farmland would be converted. Additionally, both the proposed annexation

[8] California Department of Conservation. Williamson Act Program. http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx. Accessed 30 November 2016.
[9] Farmland Security Zone Act. http://www.consrv.ca.gov/dlrp/lca/farmland_security_zones/Pages/Index.aspx Accessed 12 January 2017.

and UDB/SOI expansion would not convert any land uses on the FMMP map. No impacts would occur to farmlands as a result of Project implementation.

II-b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

b) No Impact. Williamson Act contracts are present adjacent to the Project area; however, the Project site is zoned as R-A Rural Residential and is not under a Williamson Act Contract. There would be no impact.

II-c) 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))?

c) No Impact. The proposed Project lies on the Central Valley floor, in a relatively flat and agricultural area. The proposed Project would be located within an existing residential development, with the surrounding area in an agricultural environment. There are no forests or timberland located on or near the proposed Project. There would be no impact.

II-d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

d) No Impact. As discussed in impact analysis II-c, there are no forests or timberland within the Project vicinity. Therefore, there would be no impact.

II-e) 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?

e) No Impact. The proposed Project is located south and adjacent to the City's UDB/SOI, and involves the expansion of this boundary as shown in **Figure 2-9** (Alternative 1) and **Figure 2-10** (Alternative 2) as well as the annexation of the CMWC community. The proposed Project would not involve additional changes to the existing environment that would change the nature or location such that it would lead to conversion of farmlands to non-agricultural uses. Furthermore, the proposed Project would not convert forest lands to non-forest uses. The construction portion of the proposed project would be located in the right-of-way of Kessing Street. Therefore, the proposed Project would not result in any impact.

3.3 Air Quality

Table 3-3. Air Quality

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:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.3.1 Environmental Setting

The proposed Project lies within the eight-county San Joaquin Valley Air Basin (SJVAB), which is managed by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Air quality in the SJVAB is influenced by a variety of factors, including topography, local and regional meteorology. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O_3), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), particulate matter (PM_{10} and $PM_{2.5}$), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. Areas are classified under the Federal Clean Air Act as either "attainment", "non-attainment", or "extreme non-attainment" areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O_3, a State and Federal non-attainment area for $PM_{2.5}$, a State non-attainment area for PM_{10}, a Federal and State attainment area for CO, SO_2, and NO_2, and a State attainment area for sulfates, vinyl chloride and Pb.[10]

3.3.2 Methodology

An Air Quality and Greenhouse Gas Emissions Evaluation Report, **Appendix A**, was prepared using CalEEmod, Version 2016.3.2 for the Proposed Project in September 2019. Emissions would only occur

[10] San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards and Valley Attainment Status. http://www.valleyair.org/aqinfo/attainment.htm. Site accessed September 2019.

during the water consolidation portion of the Project. The expansion of the UDB/SOI boundary would not emit any emissions. Only the water consolidation portion of the Project was analyzed in the Air Quality modeling. The sections below detail the methodology of the air quality and greenhouse gas emissions report (**Appendix A**) and its conclusions.

Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Proposed Project were calculated using CalEEmod, Version 2016.3.2. The emissions modeling includes emissions generated by off-road equipment, haul trucks, and worker commute trips. Emissions were quantified based on anticipated construction schedules and construction equipment requirements provided by the Project applicant. All remaining assumptions were based on the default parameters contained in the model. Localized air quality impacts associated with the proposed Project would be minor and were qualitatively assessed. Modeling assumptions and output files are included in **Appendix A**.

Long-Term Operational Emissions

Long-term operational emissions associated with the Proposed Project were calculated using the CalEEmod, Version 2016.3.2 Maintenance will be provided as needed, and electricity and water consumption would be negligible. Modeling assumptions and output files are included in **Appendix A**.

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts*. This guidance document includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the Proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The thresholds of significance are summarized, as follows:

Short-Term Emissions of Particulate Matter (PM_{10}): Construction impacts associated with the Proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NOx): Construction impacts associated with the Proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO_x that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM10): Operational impacts associated with the Proposed Project would be considered significant if the project generates emissions of PM_{10} that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and NOx): Operational impacts associated with the Proposed Project would be considered significant if the project generates emissions of ROG or NO_X that exceeds 10 TPY.

Conflict with or Obstruct Implementation of Applicable Air Quality Plan: Due to the region's non-attainment status for ozone, $PM_{2.5}$, and PM_{10}, if the project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM_{10} would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans. In addition, if the project would result in a change in land use and corresponding increases in vehicle miles traveled, the project may result in an increase

in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

Local Mobile-Source CO Concentrations: Local mobile source impacts associated with the Proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e. 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e. maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than 1.

Odor impacts associated with the Proposed Project would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

3.3.3 Regulatory Setting

3.3.3.1 Federal

U.S. Environmental Protection Agency: At the federal level, the U.S. EPA has been charged with implementing national air quality programs. The U.S. EPA's air quality mandates are drawn primarily from the FCAA, which was signed into law in 1970. Congress substantially amended the FCAA in 1977 and again in 1990.

Federal Clean Air Act: The FCAA required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS), and also set deadlines for their attainment. Two types of NAAQS have been established: primary standards, which protect public health, and secondary standards, which protect public welfare from non-health-related adverse effects, such as visibility restrictions.

The FCAA also required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The FCAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The U.S. EPA has responsibility to review all state SIPs to determine conformance with the mandates of the FCAA, and the amendments thereof, and determine if implementation will achieve air quality goals. If the U.S. EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area that imposes additional control measures.

Toxic Substances Control Act: The Toxic Substances Control Act (TSCA) first authorized the U.S. EPA to regulate asbestos in schools and Public and Commercial buildings under Title II of the law, which is also known as the Asbestos Hazard Emergency Response Act (AHERA). AHERA requires Local Education Agencies (LEAs) to inspect their schools for ACBM and prepare management plans to reduce the asbestos hazard. The Act also established a program for the training and accreditation of individuals performing certain types of asbestos work.

National Emission Standards for Hazardous Air Pollutants: Pursuant to the FCAA of 1970, the U.S. EPA established the National Emission Standards for Hazardous Air Pollutants (NESHAP). These are technology-based source-specific regulations that limit allowable emissions of HAPs.

3.3.3.2 State

California Air Resources Board: The ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act of 1988. Other ARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control districts and air quality management districts, establishing California Ambient Air Quality Standards (CAAQS), which in many cases are more stringent than the NAAQS, and setting emissions standards for new motor vehicles. The emission standards established for motor vehicles differ depending on various factors including the model year, and the type of vehicle, fuel and engine used.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for ozone, CO, SO_2, and NO_2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

3.3.3.3 Local

Porterville General Plan Policies:

- OSC-G-9: Improve and protect Porterville's air quality by making air quality a priority in land use and transportation planning and in development review.
- OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics "Hot Spots" Act.
- OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.
- OSC-I-63: Notify local and regional jurisdictions of proposed projects that may affect regional air quality.

Tulare County General Plan:

- Policy AQ-1: To improve air quality through a regional approach and interagency cooperation.
- Policy AQ-2: To improve air quality by reducing air emissions related to transportation.
- Policy AQ-4: To implement the best available controls and monitoring necessary to regulate air emissions.
    - AQ-4.1: Air Pollution Control Technology – The County shall utilize the BACM and RACM as adopted by the County to support SJVAPCD air quality attainment plans to achieve and maintain healthful air quality and high visibility standards.
    - AQ-4.2: Dust Suppression Measures – The County shall require developers to implement dust suppression measures during excavation, grading, and site preparation activities consistent with SJVAPCD Regulation VIII – Fugitive Dust Prohibitions.

San Joaquin Valley Air Pollution Control District: The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the proposed project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air

quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.
The SJVAPCD Rules and Regulations that are applicable to the proposed Project include, but are not limited to, the following:

Regulation VIII (Fugitive Dust Prohibitions), Regulation VIII (Rules 8011-8081): This regulation is a series of rules designed to reduce particulate emissions generated by human activity, including construction and demolition activities, carryout and trackout, paved and unpaved roads, bulk material handling and storage, unpaved vehicle/traffic areas, open space areas, etc. If a non-residential area is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Additional requirements may apply, depending on total area of disturbance. The control measures that must be implemented at all construction sites are as follows:

- All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.
- All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Regulatory Attainment Designations: Under the CCAA, the ARB is required to designate areas of the state as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The U.S. EPA designates areas for ozone, CO, and NO_2 as "does not meet the primary standards," "cannot be classified," or "better than national standards." For SO_2, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the ARB terminology of attainment, nonattainment, and unclassified is more frequently used. The U.S. EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In

1991, U.S. EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for PM_{10} based on the likelihood that they would violate national PM_{10} standards. All other areas are designated "unclassified."

The SJVAB is currently designated as a nonattainment area with respect to the state PM_{10} standard, ozone, and $PM_{2.5}$ standards. The SJVAB is designated nonattainment for the national 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the U.S. EPA redesignated the San Joaquin Valley to attainment for the PM_{10} NAAQS and approved the PM_{10} Maintenance Plan.

Table 3-4. Summary of Ambient Air Quality Standards & Attainment Designation

Summary of Ambient Air Quality Standards & Attainment Designation					
Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary	Attainment Status
Ozone (O_3)	1-hour	0.09 ppm	Non-Attainment/ Severe	–	No Federal Standard
	8-hour	0.070 ppm		0.075 ppm	Non-Attainment (Extreme)**
Particulate Matter (PM_{10})	AAM	20 µg/m³	Non-Attainment	–	Attainment
	24-hour	50 µg/m³		150 µg/m³	
Fine Particulate Matter ($PM_{2.5}$)	AAM	12 µg/m³	Non-Attainment	12 µg/m³	Non-Attainment
	24-hour	No Standard		35 µg/m³	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment/ Unclassified	35 ppm	Attainment/ Maintenance
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO_2)	AAM	0.030 ppm	Attainment	53 ppm	Attainment/ Unclassified
	1-hour	0.18 ppm		100 ppm	
Sulfur Dioxide (SO_2)	AAM	–	Attainment	0.03 ppm	Attainment/ Unclassified
	24-hour	0.04 ppm		0.14 ppm	
	3-hour	–		0.5 ppm	
	1-hour	0.25 ppm		75 ppb	
Lead	30-day Average	1.5 µg/m³	Attainment	–	No Designation/ Classification
	Calendar Quarter	–		--	
	Rolling 3-Month Average	–		0.15 µg/m³	
Sulfates	24-hour	25 µg/m³	Attainment	No Federal Standards	
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m³)	Unclassified		
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m³)	Attainment		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/km-visibility of 10 miles or more due to particles when the relative humidity is less than 70%.	Unclassified		

** For more information on standards visit :http//ww.arb.ca.gov.research/aaqs/aaqs2.pdf*
*** No federal 1-hour standard. Reclassified extreme nonattainment for the federal 8-hour standard May 5, 2010.*
****Secondary Standard*
Source: ARB 2015; SJVAPCD 2019

California Assembly Bill 170: Assembly Bill 170, Reyes (AB 170), was adopted by state lawmakers in 2003 creating Government Code Section 65302.1 which requires cities and counties in the San Joaquin Valley to amend their general plans to include data and analysis, comprehensive goals, policies and feasible implementation strategies designed to improve air quality.

Assembly Bills 1807 & 2588 - Toxic Air Contaminants: Within California, TACs are regulated primarily through AB 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics Hot Spots Information and Assessment Act of 1987). The Tanner Air Toxics Act sets forth a formal procedure for ARB to designate substances as TACs. This includes research, public participation, and scientific peer review before ARB designates a substance as a TAC. Existing sources of TACs that are subject to the Air Toxics Hot Spots Information and Assessment Act are required to: (1) prepare a toxic emissions inventory; (2) prepare a risk assessment if emissions are significant; (3) notify the public of significant risk levels; and (4) prepare and implement risk reduction measures.

San Joaquin Valley Air Pollution Control District: The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Proposed Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD Rules and Regulations that are applicable to the Proposed Project include, but are not limited to, the following:

Regulation VIII (Fugitive Dust Prohibitions), Regulation VIII (Rules 8011-8081): This regulation is a series of rules designed to reduce particulate emissions generated by human activity, including construction and demolition activities, carryout and trackout, paved and unpaved roads, bulk material handling and storage, unpaved vehicle/traffic areas, open space areas, etc. If a non-residential area is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Additional requirements may apply, depending on total area of disturbance.

San Joaquin Valley Air Pollution Control District Thresholds of Significance: Projects that produce emissions that exceed the following thresholds shall be considered significant for a project level and/or cumulatively considerable impact to air quality. The following thresholds are defined for purposes of determining cumulative effects as the baseline for "considerable". Projects located within the SJVAPCD will be subject to the following significance thresholds identified in tons per year (TPY):

Table 3-5. Air Quality Thresholds of Significance – Criteria Pollutants

Air Quality Thresholds of Significance – Criteria Pollutants			
Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment & Activities	Non-Permitted Equipment & Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
NO_X	10	10	10
ROG	10	10	10
SO_X	27	27	27
PM_{10}	15	15	15
$PM_{2.5}$	15	15	15

Regulatory Attainment Designations

Under the CCAA, the ARB is required to designate areas of the state as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The U.S. EPA designates areas for ozone, CO, and NO_2 as "does not meet the primary standards," "cannot be classified," or "better than national standards." For SO_2, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the ARB terminology of attainment, nonattainment, and unclassified is more frequently used. The U.S. EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, U.S. EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for PM_{10} based on the likelihood that they would violate national PM_{10} standards. All other areas are designated "unclassified."

The state and national attainment status designations pertaining to the SJVAB are summarized in **Table 3-15.** Unmitigated Long-Term Operation-Generated GHG Emissions . The SJVAB is currently designated as a nonattainment area with respect to the state PM_{10} standard, ozone, and $PM_{2.5}$ standards. The SJVAB is designated nonattainment for the national 8-hour ozone and $PM_{2.5}$ standards. On September 25, 2008, the U.S. EPA re-designated the San Joaquin Valley to attainment for the PM_{10} NAAQS and approved the PM_{10} Maintenance Plan.

3.3.4 Impact Assessment

III-a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

a) Less than Significant Impact. As noted in Impact Assessment III-b and III-c below, implementation of the proposed Project would not result in short-term or long-term increases in emissions that would exceed applicable thresholds of significance. Projects that do not exceed the recommended thresholds would not be considered to conflict with or obstruct the implementation of applicable air quality plans. Project related impacts to air quality would be considered less than significant.

III b) 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?

b) Less than Significant Impact.

Short-Term Construction-Generated Emissions

Construction-generated emissions are temporary in duration, lasting approximately six months total. The construction of the proposed Project would result in the temporary generation of emissions associated with site grading and excavation, motor vehicle exhaust associated with construction equipment and worker trips, as well as the movement of construction equipment on unpaved surfaces.

Estimated construction-generated emissions and operational emissions are summarized in **Table 3-6**, and **Table 3-7**, respectively.

Table 3-6. Unmitigated Short-Term Construction-Generated Emissions of Criteria Air Pollutants

Short-Term Construction-Generated Emissions of Criteria Air Pollutants					
	Annual Emissions (Tons/Year)(1)				
Source	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
2019	0.0442	0.4860	0.2913	0.1613	0.0920
2020	0.0396	0.4502	0.3259	0.1001	0.0568
SJVAPCD Significance Thresholds:	*10*	*10*	*100*	*15*	*15*
Exceed SJVAPCD Thresholds?	*No*	*No*	*No*	*No*	*No*

*1. Emissions were quantified using CalEEmod Version 2016.3.2. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.*

Table 3-7. Unmitigated Long-Term Operations-Generated Emissions of Criteria Air Pollutants

Long-Term Operations-Generated Emissions of Criteria Air Pollutants					
	Annual Emissions (Tons/Year)(1)				
Source	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Area	0.0745	0.0000	0.00018	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000
Water and Waste	-	-	-	0.0000	0.0000
Total Proposed Project Emissions:	0.0745	0.0000	0.00018	0.0000	0.0000
SJVAPCD Significance Thresholds:	*10*	*10*	*100*	*15*	*15*
Exceed SJVAPCD Thresholds?	*No*	*No*	*No*	*No*	*No*

*1. Emissions were quantified using CalEEmod Version 2016.3.2. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.*

It is important to note that the proposed Project would be required to comply with SJVPACD Regulation VIII (Fugitive PM_{10} Prohibitions). Mandatory compliance with SJVAPCD Regulation VIII would further reduce emissions of fugitive dust from the Project site, and adequately minimize the Proposed Project's potential to adversely affect nearby sensitive receptors to localized PM impacts.

Given that Project-generated emissions would not exceed applicable SJVAPCD significance thresholds and the Proposed Project would be required to comply with SJVAPCD Regulation VIII, construction-generated emissions of criteria pollutants would be considered less than significant.

Long-Term Operational Emissions: Long-term operation of the proposed Project would result in emissions generated by limited maintenance trips. As indicated, in **Table 3-15**, operation and maintenance of the proposed Project would not result in a substantial increase in emissions. The impact of operations and maintenance generated emissions would be considered less than significant.

III-c) Would the project expose sensitive receptors to substantial pollutant concentrations?

c) Less than Significant Impact.

Toxic Air Contaminants

Implementation of the proposed Project would not result in the long-term operation of any major onsite stationary sources of TACs, nor would Project implementation result in an increase in vehicle trips along area roadways, in comparison to existing conditions. However, construction of the Proposed Project may result in temporary increases in emissions of diesel-exhaust particulate matter (DPM) associated with the use of off-road diesel equipment during construction. Health-related risks associated with diesel-exhaust emissions are primarily associated with long-term exposure and associated risk of contracting cancer. As such, the calculation of cancer risk associated with exposure of to TACs are typically calculated based on a long-term (e.g., 70-year) period of exposure. The use of diesel-powered construction equipment, however, would be temporary and episodic and would occur over a relatively large area. Construction activities would occur over an approximate 2-month construction period which would constitute less than 1 percent of the typical 70-year exposure period. As a result, exposure to construction-generated DPM would not be anticipated to exceed applicable thresholds (i.e. incremental increase in cancer risk of 10 in one million). Furthermore, no sensitive land uses have been identified in the vicinity of the proposed construction areas. For these reasons, this impact would be considered less than significant.

Naturally Occurring Asbestos

Naturally-occurring asbestos, which was identified by ARB as a TAC in 1986, is located in many parts of California and is commonly associated with ultramafic rock. The Project site is not located near any areas that are likely to contain ultramafic rock[11]. As a result, risk of exposure to asbestos during the construction process would be considered less than significant.

Fugitive Dust

Construction of the Proposed Project would include ground-disturbing activities which would be anticipated to result in increased emissions of airborne particulate matter. The Proposed Project would be required to comply with SJVPACD Regulation VIII (Fugitive PM_{10} Prohibitions). Mandatory compliance with SJVAPCD Regulation VIII would reduce emissions of fugitive dust from the Project site. As a result, localized emissions of airborne particulate matter emitted during construction would be considered less than significant.

[11] Van Gosen, B.S. and J.P. Clinkenbeard. 2011. Report Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California – California Geological Survey map Sheet 59. United States Geological Survey.

III-d) Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

d) Less than Significant Impact. Implementation of the proposed Project would not result in long-term emissions of odors. However, construction of the proposed Project would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel-exhaust, may be considered objectionable by some people. However, no sensitive land uses involving large concentrations of people have been identified in the vicinity of the proposed construction area. As a result, short-term construction activities would not expose a substantial number of people to frequent odorous emissions. This impact would be considered less than significant.

3.4 Biological Resources

Table 3-8. Biological Resources

Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.4.1 Methodology

A reconnaissance-level field survey of the Project site was conducted on September 7, 2017 by Live Oak Associates, Inc. (LOA) staff ecologists Jeff Gurule and Anna Godinho. The survey consisted of walking public access roads within and adjacent to the Project site while identifying principal land uses and biotic habitats, identifying plant and animal species encountered, and assessing the suitability of the Project site's habitats for special status species.

LOA conducted an analysis of potential Project impacts based on the known and potential biotic resources of the Project site. Sources of information used in the preparation of this analysis included: (1) the California Natural Diversity Data Base (CDFW 2017), (2) the Online Inventory of Rare and Endangered Vascular Plants of California (CNPS 2017), (3) the U.S. Fish and Wildlife Service (USFWS) Information for Planning and

Conservation (IPaC) system (USFWS 2017), and (4) manuals, reports, and references related to plants and animals of the San Joaquin Valley region.

LOA's field investigation did not include a wetland delineation or focused surveys for special status species. The field survey was sufficient to generally describe those features of the Project site that could be subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and/or the RWQCB, and to assess the significance of possible biological impacts associated with development of the project site.

3.4.2 Regulatory Setting

3.4.2.1 Federal

Endangered Species Act: The Federal Endangered Species Act (FESA) protects plants and wildlife that are listed as endangered or threatened by the USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries. Section 9 of the FESA prohibits the taking of listed wildlife, where taking is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging-up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16USC1538). Pursuant to Section 7 of the FESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed plant or wildlife species or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. Section 10 of the FESA provides for issuance of incidental take permits to private parties, provided a Habitat Conservation Plan (HCP) is developed.

Migratory Bird Treaty Act: The MBTA implements international treaties devised to protect migratory birds and any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits are in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Code § 3800, 3513, and 3503.5 of the CDFW Code.

Federal Clean Water Act: The federal Clean Water Act's (CWA's) purpose is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Section 404 of the CWA prohibits the discharge of dredged or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers (ACOE). The definition of waters of the United States includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3 7b)." The USEPA also has authority over wetlands and may override an ACOE permit. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or Waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the RWQCB.

3.4.2.2 State

California Endangered Species Act: The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA, but unlike its federal counterpart, the CESA applies the take prohibitions to species proposed for listing (called candidates by the state). §2080 of California Fish and Game Code (FGC)[12] prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in § 86 of the FGC Code as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The CESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the California Department of Fish and Wildlife (CDFW) to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered, threatened, or candidate species or result in destruction or adverse modification of essential habitat. The CDFW administers the act and authorizes take through § 2081 agreements (except for designated fully protected species).

Fully Protected Species: The State of California first began to designate species as fully protected prior to the creation of the CESA and FESA. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered pursuant to the CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CDFG Code § 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, the CDFG prohibits any state agency from issuing incidental take permits for fully protected species, except for necessary scientific research.

Native Plant Protection Act: Regarding listed rare and endangered plant species, the CESA defers to the California Native Plant Protection Act (NPPA) of 1977 (CDFG Code § 1900 to 1913), which prohibits importing of rare and endangered plants into California, and the taking and selling of rare and endangered plants. The CESA includes an additional listing category for threatened plants that are not protected pursuant to NPPA. In this case, plants listed as rare or endangered pursuant to the NPPA are not protected pursuant to CESA but can be protected pursuant to the CEQA. In addition, plants that are not state listed, but that meet the standards for listing, are also protected pursuant to CEQA (Guidelines, § 15380). In practice, this is generally interpreted to mean that all species on lists 1B and 2 of the CNPS Inventory potentially qualify for protection pursuant to CEQA, and some species on lists 3 and 4 of the CNPS Inventory may qualify for protection pursuant to CEQA. List 3 includes plants for which more information is needed on Taxonomy or distribution. Some of these are rare and endangered enough to qualify for protection pursuant to CEQA. List 4 includes plants of limited distribution that may qualify for protection if their abundance and distribution characteristics are found to meet the standards for listing.

3.4.2.3 Local

Porterville General Plan Policies

- OSC-G-7: Protect habitat for special status species, designated under State and federal law.
- OSC-I-26: Adopt habitat conservation regulations, including requirements and incentives to incorporate natural wildlife habitat features into new development and public landscapes, parks, and other public facilities.
- OSC-I-28: Require protection of sensitive habitat areas and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation, 3) offsite mitigation, and 4) purchase of mitigation credits.

[12] California Department of Fish and Game Code

- OSC-I-32: Identify and protect wildlife movement corridors that serve critical habitats to minimize wildlife-urban conflicts.

- OSC-I-33: Protect, revitalize and expand Porterville's urban forest through public education sensitive regulation, and a long-term financial commitment that is adequate to protect the resource.

- OSC-I-35: Consult with all responsible agencies about wetland and vernal pool habitat potentially affected by development.

- OSC-I-36: Establish a "no net loss" policy for wetland and vernal pools, including credits for land banking and off-site mitigations, and maintain a protection zone around wetlands, riparian corridors, and identified habit areas where development shall not occur, except as part of a parkway enhancement program (e.g. trails and bikeways).

Tulare County General Plan:

- Policy ERM-1: To preserve and protect sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.
    - ERM-1.1: Protection of Rare and Endangered Species – The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.
    - ERM-1.2: The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize erosion and maximize beneficial vegetative growth.
    - ERM-1.4: Protect Riparian Areas – The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.
    - ERM-1.6: Management of Wetlands – The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.
    - ERM-1.9: Coordination of Management on Adjacent Lands – The County shall work with other government land management agencies (such as the Bureau of Land Management, US Forest Service, National Park Service) to preserve and protect biological resources, including those within and adjacent to designated critical habitat, reserves, preserves, and other protected lands, while maintaining the ability to utilize and enjoy the natural resources in the County.
    - ERM-1.12: Management of Oak Woodland Communities – The County shall support the conservation and management of oak woodland communities and their habitats.
    - ERM-1.16: Cooperate with Wildlife Agencies – The County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas.
    - ERM-1.17: Conservation Plan Coordination – The County shall coordinate with local, State and federal habitat conservation planning efforts to protect critical habitat areas that support endangered species and other special-status species.

3.4.3 Impact Assessment

IV-a) 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?

a) Less than Significant Impact with Mitigation Incorporation. As described in Section 1.1 of the Biological Evaluation report (**Appendix B**), the proposed Project comprises abandoning and replacing 1,300 feet of pipeline that supplies the unincorporated residential community and connecting to the City's water main. Because the piping will be installed underground, it is assumed that there will be only temporary impacts.

Table 3-9. List of Special Status Species that Could Occur in the Project Vicinity

Species	Status	Habitat	Occurrence on the Project site
California Jewel-Flower (*Caulanthus californicus*)	FE, CE, CNPS 1B	Occurs in sandy soils of chenopod scrub, pinyon and juniper woodland, and valley and foothill grassland. At elevations of 200-3,280 ft. Blooms: February–May.	**Absent.** Suitable habitat for this species is absent from the project site.
Springville Clarkia (*Clarkia springvillensis*)	FT CNPS 1B	Occurs in granitic soils of cismontane and grassland habitats of the Tule River watershed at elevations above 1,000 feet.	**Absent.** Suitable habitat for this species is absent from the project site.
San Joaquin Woollythreads (*Monolopia congdonii*)	FE, CNPS 1B	Occurs in chenopod scrub and valley and foothill grassland, often on sandy soils at elevations of 200-2,600 ft. Blooms: February–May.	**Absent.** Suitable habitat for this species is absent from the project site.
Striped Adobe Lily (*Fritillaria striata*)	CE CNPS 1B	Occurs in heavy clay soils in foothill grassland and cismontane woodland habitat of Kern and Tulare Cos; blooms Feb. to April.	**Absent.** Suitable habitat for this species is absent from the project site.
San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*)	FT, CE, CNPS 1B	This annual sunflower occurs in grasslands of the Sierra Nevada foothills in heavy clay soils of the Porterville and Centerville series. Blooms March-April; elevation 300-2,625 ft.	**Absent.** Suitable habitat for this species is absent from the project site.
Keck's Checkerbloom (*Sidalcea keckii*)	FE, CNPS 1B	Valley grassland and foothill woodland at elevations between 250 and 2,100 feet. Blooms April-May.	**Absent.** Suitable habitat for this species is absent from the project site.
Earlimart Orache (*Atriplex cordulata var. erecticaulis*)	CNPS 1B	This annual occurs in valley and foothill grasslands between 130 and 330 ft. in elevation; blooms August-September.	**Absent.** Suitable habitat for this species is absent from the project site.
Lost Hills Crownscale (*Atriplex coronate var. vallicola*)	CNPS 1B	Occurs in chenopod scrub, valley and foothill grasslands, and vernal pools on alkaline soils elevations of 164-2,080 ft. Blooms: April–August.	**Absent.** Suitable habitat for this species is absent from the project site.
Brittlescale (*Atriplex depressa*)	CNPS 1B	Occurs in alkali soils in barren areas within alkali grassland, meadow and scrub. Occasionally found around vernal pools. Elevations up to 1,000 ft. Blooms April-October.	**Absent.** Suitable habitat for this species is absent from the project site.
Lesser Saltscale (*Atriplex minuscula*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grasslands of the San Joaquin Valley; alkaline/sandy soils; blooms May-October; elevations below 700 ft.	**Absent.** Suitable habitat for this species is absent from the project site.
Vernal Pool Smallscale (*Atriplex persistens*)	CNPS 1B	This diminutive annual occurs in alkaline vernal pools; blooms July-October; elevations below 400 ft.	**Absent.** Suitable habitat for this species is absent from the project site.

Species	Status	Habitat	Occurrence on the Project site
Subtle Orache (*Atriplex subtilis*)	CNPS 1B	Occurs in valley and foothill grasslands of the San Joaquin Valley. Blooms August-October.	**Absent.** Suitable habitat for this species is absent from the project site.
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grasslands; blooms March-June; alkaline soils; elevations below 2,500 ft.	**Absent.** Suitable habitat for this species is absent from the project site.
Calico MonkeyFlower (*Mimulus pictus*)	CNPS 1B	Occurs in broadleaf upland forest and cismontane woodland in granitic soils 330-4270 ft. in elevation. May occur in disturbed areas. Blooms March-May.	**Absent.** Suitable habitat for this species is absent from the project site.
California Satintail (*Imperata brevifolia*)	CNPS 2B	This perennial grass is found in scrubland and chaparral habitats were water is available. Blooms September-May.	**Absent.** Suitable habitat for this species is absent from the project site.
Spiny-Sepaled Button-Celery (*Eryginum spinosepalum*)	CNPS 1B	This species occurs in vernal pools and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin; blooms April-May; elevation 330-840 ft.	**Absent.** Suitable habitat for this species is absent from the project site.
Madera Leptosiphon (*Leptosiphon serulatus*)	CNPS 1B	Occurs in cismontane woodland and lower montane coniferous forests at approx. 1,000-4,270 ft. in elevation. Blooms April-May.	**Absent.** Suitable habitat for this species is absent from the project site.
California Alkali Grass (*Puccinellia simplex*)	CNPS 1B	Occurs in alkali sinks and flats within grassland and chenopod scrub habitats of the Central Valley, San Francisco Bay area and western Mojave Desert; elevations below 3,000 feet. Blooms March-May.	**Absent.** Suitable habitat for this species is absent from the project site.
Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)	FT	Occurs in vernal pool habitats of California.	**Absent.** Vernal pool habitat for this species is absent from the project site and surrounding lands.
Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*)	FT	Mature elderberry shrubs of California's Central Valley and Sierra Foothills.	**Absent.** The newly revised range of this species by the USFWS does not include Tulare County.
Delta Smelt (*Hypomesus transpacificus*)	FT	This slender-bodied fish is endemic to the San Francisco Bay and Sacramento-San Joaquin Delta upstream through Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties.	**Absent.** Aquatic habitat is absent from the project site. Furthermore the site is well outside of the known distribution of this species.
Blunt-Nosed Leopard Lizard (*Gambelia silus*)	FE, CE, CFP	Frequents grasslands, alkali meadows and chenopod scrub of the San Joaquin Valley from Merced south to Kern County.	**Absent.** Suitable habitat for this species is absent from the project site and surrounding lands.
Giant Garter Snake (*Thamnophis gigas*)	FT, CT	Occurs in marshes, sloughs, drainage canals, irrigation ditches, rice fields, and adjacent uplands. Prefers locations with emergent vegetation for cover and open areas for basking. This species use small mammal burrows and soil crevices adjacent to aquatic habitats for overwintering and, in the summer, to escape excessive heat.	**Absent.** Suitable habitat for this species is absent from the project site, and the project site is well outside the known range of the species.
California Red-Legged Frog (*Rana aurora draytonii*)	FT	Perennial rivers, creeks and stock ponds of the Coast Range and northern Sierra foothills with overhanging vegetation.	**Absent.** The project site does not provide suitable habitat for this species and is outside of its current known range.

Species	Status	Habitat	Occurrence on the Project site
Foothill Yellow-Legged Frog (*Rana boylii*)	CSC	Partly shaded shallow streams and riffles with a rocky and cobble sized substrate at elevations up to 6,000 feet.	**Absent.** Habitats required by this species are absent from the project site.
California Condor (*Gymnogyps californianus*)	CE, CFP	Vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Nests in deep canyons containing clefts in rocky walls.	**Absent.** Nesting and foraging habitats are absent from the project site.
Swainson's Hawk (*Buteo swainsoni*)	CT	This breeding migrant to California nests in mature trees in riparian areas and oak savannah, and occasionally in lone trees at the margins of agricultural fields. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations.	**Unlikely.** There are no documented nesting records of Swainson's hawks east of State Route 65 in the Porterville area. Furthermore, foraging habitat is absent from the project site and nesting habitat in onsite trees is unlikely due to high levels of human activity. No stick nests were observed in any of the onsite trees, suggesting that the subdivision is generally not used by nesting raptors.
Tipton Kangaroo Rat (*Dipodomys nitratoides nitratoides*)	FE, CE	Saltbush scrub and sink scrub communities with soft, friable soils that are not subject to seasonal flooding.	**Absent.** The site provides unsuitable habitat for this species. The nearest documented occurrence of this species is 12 miles to the northwest from 1943.
San Joaquin Kit Fox (*Vulpes macrotis mutica*)	FE, CT	Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (6 to 10 inches in diameter) ground squirrel burrows as denning habitat.	**Absent.** Porterville does not support an urban-adapted population of the San Joaquin kit fox, and habitat suitable for kit fox foraging and denning is absent from the project site and surrounding lands. While there are a number of historic kit fox occurrences in agricultural lands within 10 miles of the project site, nearly all are occurrences from the mid-70s, as well as one from 1989 and one from 1992 (CDFW 2017).
Western spadefoot (*Spea hammondii*)	CSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1200 ft. of aquatic habitat.	**Absent.** Suitable breeding habitat is absent from the project site and surrounding lands. Furthermore, there are no documented occurrences of this species in the greater Porterville area.
Western pond turtle (*Actinemys marmorata*)	CSC	Occurs in open slow-moving water or ponds with rocks and logs for basking. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water. This species is almost extinct in the southern San Joaquin Valley.	**Absent.** Suitable aquatic habitat for this species is absent from the project site and surrounding lands.
Loggerhead shrike (*Lanius ludovicianus*)	CSC	Frequents open habitats, including cropland, with sparse shrubs and trees, other suitable perches, bare ground, and low herbaceous cover.	**Absent.** Shrikes are not typically associated with urban development, and are therefore unlikely to occur in the project vicinity. The project site comprises a residential subdivision, which does not constitute suitable habitat for this species.

Species	Status	Habitat	Occurrence on the Project site
Burrowing owl (*Athene cunicularia*)	CSC	Frequents open, dry annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. Dependent upon burrowing mammals, most notably the California ground squirrel, for nest burrows.	**Absent.** Burrowing owls have not been documented in the Porterville area (CDFW 2017, eBird 2017). Habitat for this species is absent from the project site and absent to marginal on adjacent lands.
Tricolored blackbird (*Agelaius tricolor*)	CSC	Breeds near fresh water, primarily emergent wetlands, with tall thickets. Forages in nearby grassland and cropland habitats.	**Absent.** Suitable breeding and foraging habitat is absent from the project site.
Pallid bat (*Antrozous pallidus*)	CSC	Found in grasslands, chaparral, and woodlands, where it feeds on ground- and vegetation-dwelling arthropods, and occasionally take insects in flight. Prefers to roost in rock crevices, but may also use tree cavities, caves, bridges, and buildings.	**Possible.** This species could potentially forage over the project site, and could roost in mature trees or structures on the residential property.
Townsend's western big-eared bat (*Corynorhinus townsendii*)	CSC, CCT	Forages over mesic habitats such as watercourses and riparian habitats. Roosts primarily in caves, but also in buildings, bridges, rock crevices and hollow trees.	**Possible.** This species could potentially forage over the project site, and could roost in mature trees or structures on the residential property.
Western mastiff bat (*Eumops perotis* ssp. *californicus*)	CSC	Frequents open, semi-arid to arid habitats, including conifer, and deciduous woodlands, coastal scrub, grasslands, palm oasis, chaparral and urban. Roosts in cliff faces, high buildings, trees and tunnels.	**Possible.** This species could potentially forage over the project site, but roosting habitat on the site and in the vicinity is marginal.
American badger (*Taxidea taxus*)	CSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	**Absent.** Suitable habitat for this species is absent from the project site.

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES

Present: Species observed on the site at time of field surveys or during recent past
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis
Possible: Species not observed on the site, but it could occur there from time to time
Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient
Absent: Species not observed on the site, and precluded from occurring there due to absence of suitable habitat

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CCT	California Threatened (Candidate)
FPT	Federally Threatened (Proposed)	CFP	California Fully Protected
FC	Federal Candidate	CSC	California Species of Special Concern

CNPS LISTING

1A	Plants Presumed Extinct in California	2	Plants Rare, Threatened, or Endangered in California, but more common elsewhere
1B	Plants Rare, Threatened, or Endangered in California and elsewhere		

Project Impacts to Special Status Plant Species

18 special status plant species have been documented in the Project vicinity (See **Table 3-9**). The Project site provides unsuitable habitat for these plants due to past and ongoing human disturbance. Therefore, the proposed Project would have no effect on individuals or regional populations of these species. Mitigation is not warranted.

Project Impacts to Special Status Animal Species

Of the 20 special status animal species that potentially occur in the Project vicinity, 17 are considered absent or unlikely to occur within the Project site due to past and ongoing disturbance of the Project site and surrounding lands, the absence of suitable habitat, and/or the Project site's being situated outside of the species' known distribution (see **Table 3-9**). These species consist of the vernal pool fairy shrimp, valley elderberry longhorn beetle, Delta smelt, blunt-nosed leopard lizard, giant garter snake, California red-legged frog, foothill yellow-legged frog, California condor, Swainson's hawk, Tipton kangaroo rat, San Joaquin kit fox, western spadefoot, western pond turtle, loggerhead shrike, burrowing owl, tricolored blackbird, and American badger. The Project will not significantly impact these species through construction mortality/disturbance or loss of habitat because there is little or no likelihood that they are present. Mitigation is not warranted.

Project Impacts to Roosting Bats

Potentially suitable roosting habitat for the pallid bat, Townsend's western big-eared bat, and other native bat species occurs in the mature trees and outbuildings on the Project site. The air space over the site may also be used for foraging by the pallid bat, Townsend's western big-eared bat, and western mastiff bat. Because no trees or buildings will be removed by the Project, roosting bats do not have the potential to be injured or killed as a result of Project activities and will not experience Project-related habitat loss. Because all Project impacts are temporary and the same foraging opportunity for bats will exist after, and likely during, Project construction, foraging bats will experience little to no effect from Project construction and implementation. Therefore, Project impacts to bats are considered less than significant under CEQA and NEPA. Mitigation is not warranted.

Project-related Mortality/Disturbance of Nesting Migratory Birds and Raptors

Although the Project site would be of relatively low value for nesting birds, certain disturbance-tolerant birds protected under the FMBTA could be expected to nest on-site. For example, black phoebes and house finches could nest on residential buildings. Ornamental trees and shrubs on the Project site could be used for nesting by the mourning dove and various songbirds including the American robin and northern mockingbird. While no raptor nests were observed, onsite eucalyptus trees provide potential nesting habitat for red-tailed hawks (*Buteo jamaicensis*). If Project construction occurs during the nesting season, birds nesting within the Project site could be injured or killed by construction activities or could be disturbed such that they would abandon their nests. Activities that cause nest abandonment or mortality of FMBTA-protected birds would be a violation of the FMBTA and related state laws and would constitute a significant impact of the Project under CEQA and NEPA.

In order to minimize construction disturbance to active migratory bird nests, the applicant will implement the following measures:

> ***BIO - 1a (Avoidance).*** If feasible, the Project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31.
>
> ***BIO - 1b (Pre-construction Surveys and Buffers*).** If construction is to occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 14 days prior to the start of construction. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.

Implementation of the above measures will reduce potential Project impacts to migratory birds and raptors to a less than significant level under CEQA and NEPA and will ensure that the Project is in compliance with state and federal laws protecting these species.

IV-b) 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?

b) No Impact. The proposed Project will not conflict with the General Plan's policies related to "no-net-loss" of wetlands and preservation of riparian habitats because wetlands and riparian habitats are absent from the proposed Project site. The proposed Project as designed would not result in significant loss of habitat for any special status species.

IV-c) 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?

c) No Impact. According to the Biological Evaluation conducted by Live Oak Associates (LOA), there is no record of jurisdictional waters or wetlands present within any area proposed for construction. The Project would have no impact.

IV-d) 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?

d) Less than Significant Impact. The proposed Project site consists of and is surrounded by intensive agricultural lands and residentially developed portions of the City. Therefore, the site contains no unique geographic features that would constitute a "movement corridor" for native wildlife, although some resident species move within and through the sites. Further, any potential impacts would only be during construction and would therefore be temporary. Therefore, the proposed Project would result in a less than significant effect on regional wildlife movements.

IV-e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

e) No Impact. The proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances. Therefore, the proposed Project would have no impact.

IV-f) 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?

f) No Impact. The proposed Project will be consistent with the goals and policies of the City of Porterville General Plan and the County of Tulare General Plan. The Project will require the protection of sensitive habitat areas and special status species in new development site designs. The proposed Project will not conflict with the General Plan's policies related to "no-net-loss" of wetlands and preservation of riparian habitats because wetlands and riparian habitats are absent from the proposed Project site. The proposed Project as designed will not result in significant loss of habitat for any special status species. No Habitat Conservation Plan are in effect for lands containing the Project site. The proposed Project would have no impact.

3.5 Cultural Resources

Table 3-10. Cultural Resources

Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

3.5.1 Methodology

ASM Affiliates, Inc. was retained by Provost & Pritchard Consulting Group to conduct an intensive Class III inventory/Phase I cultural resources survey. The study was undertaken to assist with compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and the California Environmental Protection Act (CEQA). The investigation was conducted, specifically, to ensure that significant impacts or adverse effects to historical resources or historic properties do not occur as a result of Project construction.

The study included:

- A background records search and literature review to determine if any known cultural resources were present in the Project zone and/or whether the area had been previously and systematically studied by archaeologists;
- An on-foot, intensive inventory of the study area to identify and record previously undiscovered cultural resources and to examine known sites; and
- A preliminary assessment of any such resources found within the subject property.

David S. Whitley, Ph.D., RPA, served as principal investigator and Robert Azpitarte, B.A., ASM Associate Archaeologist, conducted the fieldwork.

Native American Consultation

NHPA Section 106 is applicable to federal undertakings, including projects financed or permitted by federal agencies regardless of whether the activities occur on federally managed or privately-owned land. Its purpose is to determine whether adverse effects will occur to significant cultural resources, defined as "historical properties" that are listed in or determined eligible for listing in the National Register of Historic Places (NRHP). The criteria for NRHP eligibility are defined at 36 CFR § 60.4 as follows:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:
>
> (A) are associated with events that have made a significant contribution to the broad patterns of our history; or

(B) are associated with the lives of persons significant in our past; or

(C) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) have yielded or may be likely to yield, information important in prehistory or history.

There are, however, restrictions on the kinds of historical properties that can be NRHP listed. These have been identified by the Advisory Council on Historic Preservation (ACHP), as follows:

> Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
>
> (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
>
> (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
>
> (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
>
> (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
>
> (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
>
> (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
>
> (g) A property achieving significance within the past 50 years if it is of exceptional importance. (http://www.achp.gov/nrcriteria.html)

Records Search

In order to determine whether the study area had been previously surveyed for cultural resources, and/or whether any such resources were known to exist on any of them, an archival records search was conducted by the staff of the Southern San Joaquin Valley Information Center (IC) on 29 August 2017. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study areas; (ii) if the project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the field project was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

Based on the records search results, the study area appeared to have low archaeological and tribal cultural resources sensitivity.

Field Survey

An intensive Class III inventor/Phase I survey of the Project study area was conducted by Robert Azpitarte, B.A., ASM Associate Archaeologist, on 25 October 2017. The field methods employed included intensive pedestrian examination of the ground surface for evidence of archaeological sites in the form of artifacts, surface features (such as bedrock mortars, historical mining equipment), and archaeological indicators (e.g., organically enriched midden soil, burnt animal bone); the identification and location of any discovered sites, should they be present; tabulation and recording of surface diagnostic artifacts; site sketch mapping; preliminary evaluation of site integrity; and site recording, following the California Office of Historic Preservation Instructions for Recording Historic Resources and the BLM 8100 Manual, using DPR 523 forms. Parallel survey transects spaced at 15-m apart were employed for the inventory. These covered the approximately 20-acres on both sides of South Kessing Street.

No cultural resources of any kind were identified within the Central Mutual Water Company project study area.

3.5.2 Setting

3.5.2.1 Federal

Cultural resources are protected by several federal regulations, none of which are relevant to this proposed Project because it will not be located on lands administered by a federal agency.

3.5.2.2 State

The proposed Project is subject to CEQA which requires public or private projects financed or approved by public agencies to assess their effects on historical resources. CEQA uses the term "historical resources" to include buildings, sites, structures, objects or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance. CEQA states that if implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (CCR 15064.5, 15126.4). For the purposes of this CEQA document, a significant impact would occur if project implementation:

- Causes a substantial change in the significance of a historical resource
- Causes a substantial adverse change in the significance of an archaeological resource
- Disturbs any human remains, including those interred outside of formal cemeteries

Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined. CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR)
- If the resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC unless the preponderance of evidence demonstrates that it is not historically or culturally significant
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (CCR, Title 14, Division 6, Chapter 3, Section 15064.5(a))

Each of these ways of qualifying as a historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (PRC 5020.1(k), 5024.1, 5024.1(g)).

A historical resource may be eligible for inclusion in the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Is associated with the lives of persons important in our past
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Has yielded, or may be likely to yield, information important in prehistory or history Properties that area listed in or eligible for listing in the National Register of Historic Places are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Public Resources Code §5097.5: California Public Resources Code §5097.5 prohibits excavation or removal of any "vertebrate paleontological site…or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Human Remains: Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper and dignified treatment of the remains and associated grave artifacts.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources[13].

CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) §15126.4 (a)(1)). California Public Resources Code §5097.5 (see above) also applies to paleontological resources.

3.5.2.3 Local

Porterville General Plan Policies:

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.

- OSC-I-71: Update the City's inventory of historic resources to determine sites of buildings of federal, state, or local historic significance.

[13] Society of Vertebrate Paleontology. Conformable Impact Mitigation Guidelines Committee Policy Statements. http://www.vertpaleo.org/ConformableImpactMitigationGuidelinesCommittee.htm.

- OSC-I-72: Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.

- OSC-I-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:

    - Requiring a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;

    - Studying the potential effects of development and construction (as required by CEQA);

    - Developing, where appropriate, mitigation measures to minimize potential impacts; and Implementing appropriate measures to avoid the identified impacts.

    - Implementing appropriate measures to avoid the identified impacts.

Tulare County General Plan:

- Policy ERM-6: To manage and protect sites of cultural and archaeological importance for the benefit of present and future generations.

    - Policy ERM-6.1: Evaluation of Cultural and Archaeological Resources – The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

    - Policy ERM-6.2: Protection of Resources with Potential State or Federal Designations – The County shall protect cultural and archaeological sites with demonstrated potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of Statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values as determined by a qualified archaeological professional.

    - Policy ERM-6.4: Mitigation – If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.

    - Policy ERM-6.6: Historic Structures and Sites – the County shall support public and private efforts to preserve, rehabilitate, and continue the use of historic structures, sites, and parks. Where applicable, preservation efforts shall conform to the current Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

    - Policy ERM-6.7: Cooperation of Property Owners – The County should encourage the cooperation of property owners to treat cultural resources as assets rather than liabilities and encourage public support for the preservation of these resources.

    - Policy ERM-6.8: Solicit Input from Local Native Americans – The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

- Policy ERM-6.9: Confidentiality of Archaeological Sites – The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal or artifacts.

- Policy ERM-6.10: Grading Cultural Resources Sites – The County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, §2501 et. Seq.

3.5.3 Impact Assessment

V-a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

a) No Impact. According to ASM Affiliates' intensive Class III archaeological survey, the Project study area lacks archaeological and historical resources. The proposed Project therefore does not have the potential to result in adverse impacts or effects to significant historical resources or historic properties. However, it is recommended that an archaeologist be contacted to assess the discovery of any archaeological or historic resources pursuant. There would be no impact.

V-b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) No Impact. As stated in Impact V-a), above, the Project study area lacks archaeological and historical resources. Therefore, there would be no impact.

V-c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

c) Less Than Significant Impact. No formal cemeteries or other places of human internment are known to exist on the proposed Project construction site; however, in the event of an accidental discovery or recognition of any human remains, Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98 dictate that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition of such remains. With adherence to Health and Safety Code Section 7050.5, which stipulates the process to be followed when human remains are encountered, any impacts will be less than significant.

3.6 Energy

Table 3-11. Energy Impacts

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

3.6.1 Environmental Setting

The Porterville area is served by Southern California Edison for electric utilities. Much of the energy consumed in the region is for residential, commercial, and transportation purposes.

Construction equipment and construction worker vehicles operated during Project construction would use fossil fuels. This increased fuel consumption would be temporary and would cease at the end of the construction activity, and it would not have a residual requirement for additional energy input. The marginal increases in fossil fuel use resulting from Project construction are not expected to have appreciable impacts on energy resources.

3.6.2 Regulatory Setting

3.6.2.1 Federal

There are no federal regulations, plans, programs, or guidelines associated with energy that are applicable to the proposed Project.

3.6.2.2 State

There are no State regulations, plans, programs, or guidelines associated with energy that are applicable to the proposed Project.

3.6.2.3 Local

There are no local regulations, plans, programs, or guidelines associated with energy that are applicable to the proposed Project.

3.6.3 Impact Assessment

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

a) No Impact. As discussed in Section 3.3, the proposed Project will not exceed any air emission thresholds during construction or operation. The Project will comply with construction best management practices.

Once completed, the Project will be mostly passive in nature and will not use an excessive amount of energy. The demand for the construction of the Project would be largely supplied from existing electrical services in the vicinity. Energy use associated with the operation of the Project would come from the use of pumping water from the City of Porterville and would be typical of their water well pumping functions for approximately 40 new connections to their water system. Although, the connection to the City of Porterville energy use would counteract the energy use of the current well within CMWC that will be taken off-line. Therefore, the Project will not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation.

VI-b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) No Impact. The City of Porterville does not have an adopted plan for renewable energy or energy efficiency. Therefore, there is no impact.

3.7 Geology and Soils

Table 3-12. Geology and Soils

Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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 off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Chapter 18-1-B of the most recently adopted California Building Standards U Code 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 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?	☐	☐	☒	☐

3.7.1 Environmental Setting

Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada Range. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and

sedimentary rocks. Majority of Porterville has elevations ranging from 400 to 800 feet. However, the eastern portion of the City is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.[14]

3.7.1.1 Faulting and Seismicity

There are no known active earthquake faults in the City of Porterville. The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site. There are several faults located within a 70-mile radius of the proposed Project site. The following faults are located within the Project vicinity, an unnamed fault is located 3.4 miles south, Pondfault is 27 miles southwest and the San Andreas and Cholame-Carrizo fault zones are approximately 66 miles to the southwest. It is possible, but unlikely, that previously unknown faults could become active in the area. No Alquist-Priolo Earthquake Fault Zones are in or near Porterville.

3.7.1.2 Soils

A review of United States Department of Agriculture, Natural Resources Conservation District database on November 2017, identifies the Project site consisting of Exeter loam 0 to 2 percent slope and San Joaquin loam 0 to 2 percent slope. Both types are a common soil in the valley at elevation between 20 to 700 feet. The soil type is moderately well drained, very slow to medium runoff, and slow permeability above the duripan[15].

3.7.2 Regulatory Setting

3.7.2.1 Federal

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.2.2 State

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of most types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault

[14] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 147
[15] USDA Official Series Description, Porterville Series, https://soilseries.sc.egov.usda.gov/OSD_Docs/E/EXETER.html

rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

California Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. The International Building Code is a widely adopted model building code in the United States published by the International Code Council. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

3.7.2.3 Local

There following local regulations, plans, programs, or guidelines associated with geology and soils that are applicable to the proposed Project are listed below:

Porterville General Plan Policies:

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-G-6: Protect significant mineral resources.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-22: Continue to require soils and geological surveys for all proposed development in hillside areas.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.

Tulare County General Plan:

- Policy ERM-7: To preserve and protect soil resources in the County for agricultural and timber productivity and protect public health and safety.
    - ERM-7.2: Soil Productivity – The County shall encourage landowners to participate in programs that reduce soil erosion and increase soil productivity. To this end, the County shall promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, UC Cooperative Extension, and other similar agencies and organizations.
- Policy HS-2: To reduce the risk to like and property and governmental costs from seismic and geologic hazards.

- HS-2.1: Continued Evaluation of Earthquake Risks – The County shall continue to evaluate areas to determine levels of earthquake risk.
- HS-2.2: Landslide Areas – The County shall not allow development on existing unconsolidated landslide debris.
- HS-2.4: Structure Siting – The County shall permit development on soils sensitive to seismic activity only after adequate site analysis, including appropriate siting, design of structure, and foundation integrity.
- HS-2.7: Subsidence – The County shall confirm that development is not located in any known areas of active subsidence.

3.7.3 Impact Assessment

VII-a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

VII-a-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.

a-i) Less Than Significant Impact. No substantial faults are known to occupy City of Porterville according to the Alquist-Priolo Earthquake Fault Zoning Maps and the Department of Conservation. The nearest identified faults to the Project are located within a 70-mile radius of the proposed Project site.[16]

Therefore, the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death associated with an unlikely event of a ruptured earthquake fault lines. As such, impacts will be less than significant.

VII-a-ii) Strong seismic ground shaking?

a-ii) Less Than Significant Impact. Any impacts regarding strong seismic ground shaking have been discussed in Impact VII-a-i), Porterville is located sufficiently distant from major fault lines and the proposed Project site consists of existing site improvements on primarily flat, level land. Hazards associated with ground shaking are not prevalent in the Porterville area, however seismic ground shaking is considered moderate in the regional area. Impacts associated to this checklist item are less than significant.

VII-a-iii) Seismic-related ground failure, including liquefaction?

a-iii) Less Than Significant Impact. The proposed Project site is located in the Valley floor sufficiently far from known faults and consists of stable geological formation. The proposed Project site has a moderate risk of damaging ground motion even though there has not been any exhibited fault activity in the Porterville area in the last 200 years. Seismic-related ground failure such as liquefaction is believed to be minimal or unlikely to occur. The proposed Project is primarily located underground and would be designed to meet or exceed the current seismic engineering standards of the California Building Code. Any impacts associated with this checklist item would be less than significant.

[16] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 148

VII-a-iv) Landslides?

a-iv) Less than Significant Impact. Due to the City's close proximity to the Sierra Nevada Mountains there is a slight chance of hillside topography, and soil slumping and landslides to occur. Although it is unlikely, Tulare County's susceptibility ranges from 0 (no susceptibility) to IX (very high susceptibility) depending on the topography of any given area in the region. As expected, areas considered to be highly susceptible are in the mountainous eastern portions of Tulare County. Landslides can be triggered by excessive rainfall, by earthquake shaking, or additional factors. However, the proposed Project is located in the Valley floor with no immediate geologic landforms such as steep hills or mountain ranges on or near the proposed Project site that would catalyst into a landslide. Any impacts would be a less than significant impact.

VII-b) Would the project result in substantial soil erosion or the loss of topsoil?

b) Less Than Significant Impact. Site construction activities will involve trenching, laying pipeline, connecting pipeline, pouring concrete, and installation of service meters. A review of United States Department of Agriculture, Natural Resources Conservation District database on November 2017, identifies the Project site with two soil types; Exeter loam, 0 to 2 percent slopes and San Joaquin loam, 0 to 2 percent slopes. Exeter loam and San Joaquin loam are common soils in the Valley at elevation between 50 to 300 feet above sea level. Construction activities could expose soils to erosion processes. The extent of erosion will vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions.

To prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) will be developed for the proposed Project as required by the California Regional Water Quality Control Board, for all Projects which disturb more than one acre in size[17] As part of the SWPPP, the applicant will be required to provide erosion control measures to protect the topsoil[18]. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated. Therefore, the impact would be less than significant.

VII-c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

c) Less Than Significant Impact. The existing geological conditions of the Project property are relatively flat terrain. Substantial grade change will not occur in the topography to the point where the Project will expose people or structures to potential substantial adverse effects on, or offsite, such as landslides, lateral spreading, liquefaction or collapse. According to the City of Porterville General Plan, Public Health and Safety Element the proposed Project site has a moderate risk to high risk of damaging ground motion. However, the nearest faults are small and have not exhibited activity in the last 200 years. It is possible, but unlikely that previous unknown faults may become active in this geographic area. Any impacts would be less than significant.

VII -d) Would the project be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial direct or indirect risks to life or property?

d) Less Than Significant. A review of United States Department of Agriculture, Natural Resources Conservation District database on November 2017 identifies the Project site consisting of Exeter loam 0 to 2 percent slope and San Joaquin loam 0 to 2 percent slope. Both types are a common soil in the valley at elevation between 20 to 700 feet. The soil type is moderately well drained, very slow to medium runoff, and

[17] National Pollutant Discharge Elimination System, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm
[18] Developing Your Stormwater pollution Prevention Plan (EPA-883-R06-004) p. 17 , http://www.epa.gov/npdes/pubs/sw_swppp_guide.pdf

slow permeability above the duripan.[19] As such, the proposed Project is subject to both the UBC and City of Porterville requirement to prepare a geotechnical study to identify site specific conditions. The recommendation of the geologic and soils reports must be incorporated in the design of foundations and buildings. As such, any impacts would be less than significant.

VII-e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

e) No Impact. The proposed Project does not include the construction of septic tanks or other alternative wastewater disposal systems. There would be no impact.

VII f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

f) Less than Significant Impact. No known paleontological resources exist within the proposed Project construction area. As the Project would require ground-disturbing activities, it is possible that an undiscovered paleontological resource may be impacted by ground disturbing activities. If an undiscovered paleontological resource may be impacted, a qualified archaeologist will be required to oversee the excavation of the resource. Any impacts would be less than significant.

[19] USDA Official Series Description, Porterville Series, https://soilseries.sc.egov.usda.gov/OSD_Docs/E/EXETER.html

3.8 Greenhouse Gas Emissions

Table 3-13. Greenhouse Gas Emissions

Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Methodology

An Air Quality and Greenhouse Gas Emissions Evaluation Report, **Appendix A**, was prepared in September 2019. The sections below detail the methodology of the report and its conclusions.

Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Proposed Project were calculated using CalEEmod, Version 2016.3.2. Emissions' modeling was assumed to occur an approximate 2-month period. Use of scrapers, trucks and excavators are anticipated. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in **Appendix A.**

Long-Term Operational Emissions

Long-term operational emissions associated with the Proposed Project were calculated in September 2019 using CalEEmod, Version 2016.3.2. There will be no increase in staff as a result of the Proposed Project. Electricity and water consumption would be negligible. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in **Appendix A.**

Thresholds of Significance

CEQA Guidelines Amendments became effective March 18, 2010. Included in the Amendments are revisions to the Appendix G Initial Study Checklist. In accordance with these Amendments, a Project would be considered to have a significant impact to climate change if it would:

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

In accordance with SJVAPCD's CEQA Greenhouse Gas Guidance, Proposed Projects complying with BPS would be determined to have a less-than-significant impact. Projects not complying with BPS would be considered less than significant if operational GHG emissions would be reduced or mitigated by a minimum of 29 percent, in comparison to business-as-usual (year 2004) conditions. In addition, Project-generated emissions complying with an approved plan or mitigation program would also be determined to have a less-than-significant impact.

3.8.2 Environmental Setting

The Earth's climate has been warming for the past century. It is believed that this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the Earth. As the infrared energy is absorbed, the air surrounding the Earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past 35 years, with 16 of the 17 warmest years on record occurring since 2001. Not only was 2016 the warmest year on record, but eight of the 12 months that make up the year – from January through September, with the exception of June – were the warmest on record for those respective months. October, November, and December of 2016 were the second warmest of those months on record – in all three cases, behind records set in 2015[20]. Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases. The following is a brief description of the most commonly recognized GHGs.

Greenhouse Gases

Commonly identified GHG emissions and sources include the following:

Carbon dioxide (CO_2) is an odorless, colorless natural greenhouse gas. CO_2 is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources include the burning of coal, oil, natural gas, and wood.

Methane (CH_4) is a flammable greenhouse gas. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.

Nitrous oxide (N_2O), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.

Water vapor is the most abundant, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.

Ozone (O_3) is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.

Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur

[20] NASA, NOAA Data Show 2016 Warmest Year on Record Globally. https://www.nasa.gov/press-release/nasa-noaa-data-show-2016-warmest-year-on-record-globally. January 18, 2017. Site Accessed September 2019.

hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

Effects of Climate Change

There are uncertainties as to exactly what the climate changes will be in various local areas of the earth, and what the effects of clouds will be in determining the rate at which the mean temperature will increase. There are also uncertainties associated with the magnitude and timing of other consequences of a warmer planet: sea level rise, spread of certain diseases out of their usual geographic range, the effect on agricultural production, water supply, sustainability of ecosystems, increased strength and frequency of storms, extreme heat events, air pollution episodes, and the consequence of these effects on the economy.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. GHG emissions are typically expressed in carbon dioxide-equivalents (CO_2e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH_4 has the same contribution to the greenhouse effect as approximately 21 tons of CO_2. Therefore, CH_4 is a much more potent GHG than CO_2.

3.8.3 Regulatory Setting

3.8.3.1 Federal

Although climate change and GHG reduction is a concern at the federal level; currently there are no regulations or legislation that have been enacted specifically addressing GHG emissions reductions and climate change at the project level. Neither the U.S. EPA nor the Federal Highway Administration (FHWA) has promulgated explicit guidance or methodology to conduct project-level GHG analysis. However, the FHWA recommends that climate change impacts and strategies to reduce GHG emissions should considered and integrated throughout the transportation decision-making process. Such strategies include implementation of improved transportation system efficiency, use of cleaner fuels and cleaner vehicles, and a reduction in the growth of vehicle hours travelled. Climate change and its associated effects are being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and EO 13514 - Federal Leadership in Environmental, Energy and Economic Performance (Caltrans 2013).

Executive Order 13514

Executive Order 13514 is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the Interagency Climate Change Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change (Caltrans 2013).

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the U.S. Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the U.S. EPA has the authority to

regulate GHG. The Court held that the U.S. EPA Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision (Caltrans 2013).

On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act (Caltrans 2013):

- Endangerment Finding: The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the U.S. EPA's Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles, which was published on September 15, 2009. On May 7, 2010 the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards was published in the Federal Register.

U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations. These steps were outlined by President Obama in a Presidential Memorandum on May 21, 2010.

The final combined U.S. EPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, (the equivalent to 35.5 miles per gallon if the automobile industry were to meet this CO_2 level solely through fuel economy improvements). Together, these standards will cut GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016). On November 16, 2011, U.S. EPA and NHTSA issued their joint proposal to extend this national program of coordinated greenhouse gas and fuel economy standards to model years 2017 through 2025 passenger vehicles (Caltrans 2013).

3.8.3.2 State

Assembly Bill 1493

Assembly Bill (AB) 1493 (Pavley) of 2002 (Health and Safety Code Sections 42823 and 43018.5) requires the California Air Resources Board (CARB) to develop and adopt the nation's first GHG emission standards for automobiles. These standards are also known as Pavley I. The California Legislature declared in AB 1493 that global warming is a matter of increasing concern for public health and the environment. It cites several risks that California faces from climate change, including a reduction in the state's water supply, an increase in air pollution caused by higher temperatures, harm to agriculture, an increase in wildfires, damage to the coastline, and economic losses caused by higher food, water, energy, and insurance prices. The bill also states that technological solutions to reduce GHG emissions would stimulate California's economy and provide jobs. In 2004, the State of California submitted a request for a waiver from federal clean air regulations, as the State is authorized to do under the Clean Air Act, to allow the State to require reduced tailpipe emissions of

CO_2. In late 2007, the USEPA denied California's waiver request and declined to promulgate adequate federal regulations limiting GHG emissions. In early 2008, the State brought suit against the USEPA related to this denial.

In January 2009, former President Obama instructed the USEPA to reconsider the Bush Administration's denial of California's and 13 other states' requests to implement global warming pollution standards for cars and trucks. In June 2009, the USEPA granted California's waiver request, enabling the State to enforce its GHG emissions standards for new motor vehicles beginning with the current model year. Also in 2009, President Obama announced a national policy aimed at both increasing fuel economy and reducing GHG pollution for all new cars and trucks sold in the US. The new standards would cover model years 2012 to 2016 and would raise passenger vehicle fuel economy to a fleet average of 35.5 miles per gallon by 2016. When the national program takes effect, California has committed to allowing automakers who show compliance with the national program to also be deemed in compliance with state requirements. California is committed to further strengthening these standards beginning in 2017 to obtain a 45 percent GHG reduction from the 2020 model year vehicles.

Executive Order No. S-3-05

Executive Order No. S-3-05 was signed on June 1, 2005, by former Governor Arnold Schwarzenegger. The goal of this EO is to reduce California's GHG emissions to: 1) year 2000 levels by 2010, 2) year 1990 levels by the 2020, and 3) 80 percent below the year 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

Executive Order S-6-06

Executive Order S-6-06, signed on April 25, 2006, established two primary goals related to the use of biofuels within California, including: (1) by 2010, 20 percent of its biofuels need to be produced within California; increasing to 40 percent by 2020 and 75 percent by 2050; and (2) by 2010, 20 percent of the renewable electricity should be generated from biomass resources within the state, maintaining this level through 2020.

Assembly Bill 32 - California Global Warming Solutions Act of 2006

AB 32 (Health and Safety Code Sections 38500, 38501, 38510, 38530, 38550, 38560, 38561–38565, 38570, 38571, 38574, 38580, 38590, 38592–38599 "*et seq.,*") requires that statewide GHG emissions be reduced to 1990 levels by the year 2020. The gases that are regulated by AB 32 include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride. The reduction to 1990 levels will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then ARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

AB 32 requires that ARB adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrives at the cap, institute a schedule to meet the emissions cap, and develop tracking, reporting, and enforcement mechanisms to ensure that the state achieves reductions in GHG emissions necessary to meet the cap. AB 32 also includes guidance to institute emissions reductions in an economically efficient manner and conditions to ensure that businesses and consumers are not unfairly affected by the reductions.

Climate Change Scoping Plan

In October 2008, ARB published its Climate Change Proposed Scoping Plan, which is the State's plan to achieve GHG reductions in California required by AB 32. The Scoping Plan contains the main strategies

California will implement to achieve reduction of 169 million metric tons (MMT) of CO_2e, or approximately 30 percent from the state's projected 2020 emissions level of 596 $MMTCO_2e$ under a business-as-usual scenario (this is a reduction of 42 $MMTCO_2e$, or almost 10 percent, from 2002–2004 average emissions). The Scoping Plan also includes ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations are from improving emissions standards for light-duty vehicles (estimated reductions of 31.7 $MMTCO_2e$), implementation of the Low Carbon Fuel Standard (15.0 $MMTCO_2e$) program, energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 $MMTCO_2e$), and a renewable portfolio standard for electricity production (21.3 $MMTCO_2e$). The Scoping Plan identifies the local equivalent of AB 32 targets as a 15 percent reduction below baseline GHG emissions level, with baseline interpreted as GHG emissions levels between 2003 and 2008.

A key component of the Scoping Plan is the Renewable Portfolio Standard, which is intended to increase the percentage of renewables in California's electricity mix to 33 percent by year 2020, resulting in a reduction of 21.3 $MMTCO_2e$. Sources of renewable energy include, but are not limited to, biomass, wind, solar, geothermal, hydroelectric, and anaerobic digestion. Increasing the use of renewables will decrease California's reliance on fossil fuels, thus reducing GHG emissions.

The Scoping Plan states that land use planning and urban growth decisions will play important roles in the state's GHG reductions because local governments have primary authority to plan, zone, approve, and permit how land is developed to accommodate population growth and the changing needs of their jurisdictions. (Meanwhile, ARB is also developing an additional protocol for community emissions.) ARB further acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emissions sectors. The Scoping Plan states that the ultimate GHG reduction assignment to local government operations is to be determined. With regard to land use planning, the Scoping Plan expects approximately 5.0 $MMTCO_2e$ will be achieved associated with implementation of Senate Bill 375, which is discussed further below. The Climate Change Proposed Scoping Plan was approved by ARB on December 11, 2008.

The First Update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) on the road to reaching the 2050 goals. ARB's Key Action for the Waste Sector focused on eliminating organics from the landfill starting in 2016 and financing the in-state infrastructure development of composting and anaerobic digestion facilities. ARB's Key Action for Short-lived Climate Pollutants such as methane is to develop a comprehensive strategy by 2015 which will focus on methane generated at landfills from the disposal of organic wastes.

Senate Bill 97 - CEQA: Greenhouse Gas Emissions

Senate Bill 97, signed in August 2007, acknowledges that climate change is an important environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, by July 1, 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010. Amendments to the CEQA guidelines took effect March 18, 2010. The revisions include a new section (Sec. 15064.4) that specifically addresses the potential significance of GHG emissions. Section 15064.4 calls for a "good-faith effort" to "describe, calculate or estimate" GHG emissions. Section 15064.4 further states that a lead agency "should" consider several factors when assessing the significance of impacts from GHG emissions on the environment, including: the extent to which the project would increase or reduce GHG emissions; whether project emissions exceed an applicable threshold of significance; and the extent to which the project complies with "regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions." The guidelines also state that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements of

previously approved plan or mitigation program (Sec. 15064(h)(3)). However, the guidelines do not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions.

This bill also protected projects until January 1, 2010 that were funded by the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, or the Disaster Preparedness and Flood Protection Bond Act of 2006 (Proposition 1B or 1E) from claims of inadequate analysis of GHG as a legitimate cause of action. Thus, this "protection" is highly limited to a handful of projects and for a short time period (CAPCOA 2008).

Senate Bill 1368

Senate Bill (SB) 1368 (codified at Public Utilities Code Chapter 3) is the companion bill of AB 32. SB 1368 required the California Public Utilities Commission (CPUC) to establish a greenhouse gas emissions performance standard for baseload generation from investor-owned utilities by February 1, 2007. The bill also required the California Energy Commission (CEC) to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural-gas-fired plant. The legislation further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and the CEC.

Senate Bill 1078 and Governor's Order S-14-08 (California Renewables Portfolio Standards)

Senate Bill 1078 (Public Utilities Code Sections 387, 390.1, 399.25 and Article 16) addresses electricity supply and requires that retail sellers of electricity, including investor-owned utilities and community choice aggregators, provide a minimum 20 percent of their supply from renewable sources by 2017. This Senate Bill will affect statewide GHG emissions associated with electricity generation. In 2008, Governor Schwarzenegger signed Executive Order S-14-08, which set the Renewables Portfolio Standard target to 33 percent by 2020. It directed state government agencies and retail sellers of electricity to take all appropriate actions to implement this target. The Proposed Project area would receive energy service from the investor-owned Pacific Gas and Electric Company.

Prior to the Executive Order, the CPUC and the CEC were responsible for implementing and overseeing the Renewables Portfolio Standard. The Executive Order shifted that responsibility to ARB, requiring it to adopt regulations by July 31, 2010. ARB is required by current law, AB 32 of 2006, to regulate sources of greenhouse gases to meet a state goal of reducing greenhouse gas emissions to 1990 levels by 2020 and an 80 percent reduction of 1990 levels by 2050. The CEC and CPUC are expected to serve in advisory roles to help ARB develop the regulations to administer the 33 percent by 2020 requirement. Additionally, the CEC and CPUC will continue their implementation and administration of the 20 percent requirement. The Executive Order also stipulates that ARB may delegate to the CPUC and CEC any policy development or program implementation responsibilities that would reduce duplication and improve consistency with other energy programs. ARB is also authorized to increase the target and accelerate and expand the time frame.

The general definition under the State Renewables Portfolio Standard for biomass is any organic material not derived from fossil fuels, including agricultural crops, agricultural wastes and residues, waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape and right-of-way tree trimmings, mill residues that result from milling lumber, rangeland maintenance residues, sludge derived from organic matter, and wood and wood waste from timbering operations. Biomass feedstock from State and national forests is allowable under the definition.

Executive Order S-13-08: The Climate Adaptation and Sea Level Rise Planning Directive

On November 14, 2008, Governor Schwarzenegger issued Executive Order S-13-08 in order to reduce and assess California's vulnerability to climate change and sea level rise. The Executive Order initiated four major actions:

Initiate California's first statewide climate change adaptation strategy that will assess the state's expected climate change impacts, identify where California is most vulnerable, and recommend climate adaptation policies by early 2009.

Request the National Academy of Sciences establish an expert panel to report on sea level rise impacts in California to inform state planning and development efforts.

Issue interim guidance to state agencies for how to plan for sea level rise in designated coastal and floodplain areas for new projects.

Initiate a report on critical existing and planned infrastructure projects vulnerable to sea level rise. This report was released in 2009 as the California Adaptation Strategy (CNRA 2009).

Mandatory Reporting of Greenhouse Gas Emissions

Reporting of greenhouse gases by major sources is required by the California Global Warming Solutions Act (AB 32, 2006). Revisions to the existing ARB mandatory GHG reporting regulation were considered at the board hearing on December 16, 2010. The revised regulation was approved by the California Office of Administrative Law and became effective on January 1, 2012. The revised regulation affects industrial facilities, suppliers of transportation fuels, natural gas, natural gas liquids, liquefied petroleum gas, and carbon dioxide, operators of petroleum and natural gas systems, and electricity retail providers and marketers.

Cap-and-Trade Regulation

The cap-and-trade regulation is a key element in California's climate plan. It sets a statewide limit on sources responsible for 85 percent of California's greenhouse gas emissions and establishes a price signal needed to drive long-term investment in cleaner fuels and more efficient use of energy. The cap-and-trade rules came into effect on January 1, 2013 and apply to large electric power plants and large industrial plants. In 2015, they will extend to fuel distributors (including distributors of heating and transportation fuels). At that stage, the program will encompass nearly 85 percent of the state's total greenhouse gas emissions.

GHG emissions addressed by the cap-and-trade regulation are subject to an industry-wide cap on overall GHG emissions. The cap-and-trade regulation sets a firm limit or cap on GHGs, which declines approximately 3 percent each year beginning in 2013. Any growth in emissions must be accounted for under the cap, such that a corresponding and equivalent reduction in emissions must occur to allow any increase. The cap-and-trade regulation will help California achieve its goal of reducing GHG emissions to 1990 levels by the year 2020, and ultimately achieving an 80% reduction from 1990 levels by 2050. As such, the ARB has determined that the cap-and-trade regulation meets the requirements of AB 32.

3.8.3.3 Local

San Joaquin Valley Air Pollution Control District

SJVAPCD Climate Change Action Plan

On August 21, 2008, the SJVAPCD Governing Board approved the District's Climate Change Action Plan with the following goals and actions:

Goals:

- Assist local land-use agencies with California Environmental Quality Act (CEQA) issues relative to projects with GHG emissions increases.
- Assist Valley businesses in complying with mandates of AB 32.
- Ensure that climate protection measures do not cause increase in toxic or criteria pollutants that adversely impact public health or environmental justice communities.

Actions:

- Authorize the Air Pollution Control Officer to develop GHG significance threshold(s) or other mechanisms to address CEQA projects with GHG emissions increases. Begin the requisite public process, including public workshops, and develop recommendations for Governing Board consideration in the spring of 2009.
- Authorize the Air Pollution Control Officer to develop necessary regulations and instruments for establishment and administration of the San Joaquin Valley Carbon Exchange Bank for voluntary GHG reductions created in the Valley. Begin the requisite public process, including public workshops, and develop recommendations for Governing Board consideration in spring 2009.
- Authorize the Air Pollution Control Officer to enhance the District's existing criteria pollutant emissions inventory reporting system to allow businesses subject to AB32 emission reporting requirements to submit simultaneous streamlined reports to the District and the state of California with minimal duplication.
- Authorize the Air Pollution Control Officer to develop and administer voluntary GHG emission reduction agreements to mitigate proposed GHG increases from new projects.
- Direct the Air Pollution Control Officer to support climate protection measures that reduce GHG emissions as well as toxic and criteria pollutants. Oppose measures that result in a significant increase in toxic or criteria pollutant emissions in already impacted area.

SJVAPCD CEQA Greenhouse Gas Guidance.

On December 17, 2009, the SJVAPCD Governing Board adopted "Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA" and the policy, "District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency." The SJVAPCD concluded that the existing science is inadequate to support quantification of the impacts that project specific greenhouse gas emissions have on global climatic change. The SJVAPCD found the effects of project-specific emissions to be cumulative, and without mitigation, that their incremental contribution to global climatic change could be considered cumulatively considerable. The SJVAPCD found that this cumulative impact is best addressed by requiring all projects to reduce their greenhouse gas emissions, whether through project design elements or mitigation.

The SJVAPCD's approach is intended to streamline the process of determining if project-specific greenhouse gas emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources and have a certified final CEQA document.
Best performance standards (BPS) to address operational emissions of a project would be established according to performance-based determinations. Projects complying with BPS would not require specific quantification of GHG emissions and would be determined to have a less than significant cumulative impact for GHG emissions. Projects not complying with BPS would require quantification of GHG emissions and demonstration that operational greenhouse gas emissions have been reduced or mitigated by 29 percent, as targeted by ARB's AB 32 Scoping Plan. Furthermore, quantification of GHG emissions would be required for all projects for which the lead agency has determined that an Environmental Impact Report is required, regardless of whether the project incorporates BPS.

APR 2025 – CEQA Determinations of Significance for Projects Subject to ARB's Cap-and Trade Regulation

The purpose of this policy is to provide guidance for the determination of significance for increases of GHG emissions associated with projects that are subject to ARB's cap-and-trade regulation. The SJVAPCD recognizes that the ARB's Cap-and-Trade Regulation is an adopted state-wide plan for reducing or mitigating GHG emissions from targeted industries. GHG emissions addressed by the Cap-and-Trade regulation are subject to an industry-wide cap on overall GHG emissions. As such, any growth in emissions must be accounted for under that cap, such that a corresponding and equivalent reduction in emissions must occur to allow any increase. Further, the cap decreases over time, resulting in an overall decrease in GHG emissions. Therefore, the SJVAPCD concluded that GHG emissions increases subject to ARB's Cap-and-Trade regulation would have a less than significant individual and cumulative impact on global climate change. This policy applies to projects for which the SJVAPCD is the lead agency but is also useful for evaluation of other CEQA related projects for which the SJVAPCD may not be the lead agency.

Bay Area Air Quality Management District's Thresholds for Significance

Bay Area Air Quality Management District's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact and would be considered significant. If mitigation can be applied to lessen the emissions such that the project meets its share of emission reductions needed to address the cumulative impact, the project would normally be considered less than significant. Although the Proposed Project is not located in the Bay Area, the Bay Area Air Quality Management District's thresholds for significance are based on the statewide AB 32 objectives.

City of Porterville General Plan

The City of Porterville General Plan includes the following policies that address air quality:

- *OSC-G-9:* Improve and protect Porterville's air quality by making air quality a priority in land use and transportation planning and in development review.
- *OSC-I-59:* Require preparation of a Health Risk Assessment for any development subject to the Air Toxics "Hot Spots" Act.
- *OSC-I-60:* Require preparation of a Health Risk Assessment for any development subject to the Air Toxics "Hot Spots" Act.
- *OSC-I-61:* Coordinate air quality planning efforts with other local, regional and State agencies.
- *OSC-I-63:* Notify local and regional jurisdictions of proposed projects that may affect regional air quality.

Tulare County General Plan:

- Policy AQ-1: To improve air quality through a regional approach and interagency cooperation.
    - AQ-1.8: Greenhouse Gas Emissions Reduction Plan/Climate Action Plan – The County will develop a Greenhouse Gas Emissions Reduction Plan (Plan) that identifies greenhouse gas emissions within the County as well as ways to reduce those emissions. The Plan will incorporate the requirements adopted by the California Air Resources Board specific to this issue. In addition, the County will work with the Tulare County Association of Governments

and other applicable agencies to include the following key items in the regional planning efforts.

- Inventory all known, or reasonably discoverable, sources of greenhouse gases in the County.
- Inventory the greenhouse gases
- Set a target for the reduction of emissions attributable to the County's discretionary land use decisions and its own internal government operations.

- AQ-1.9: Support Off-Site Measures to Reduce Greenhouse Gas Emissions – The County will support and encourage the use of off-site measures or the purchase of carbon off-sets to reduce greenhouse gas emissions.
- Policy AQ-2: To improve air quality by reducing air emissions related to transportation.
- Policy AQ-4: To implement the best available controls and monitoring necessary to regulate air emissions.

3.8.4 Impact Assessment

VIII-a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) Less Than Significant Impact.

Short-Term Construction-Generated Emissions

Estimated construction-generated emissions are summarized in **Table 3-14.** Unmitigated Short-Term Construction-Generated GHG Emissions. As indicated, construction of the Proposed Project would generate maximum annual emissions of approximately 56.2465 metric tons of carbon dioxide equivalent ($MTCO_2e$). Construction-related production of GHGs would be temporary and last approximately two months total.

Table 3-14. Unmitigated Short-Term Construction-Generated GHG Emissions

Short-Term Construction-Generated GHG Emissions	
Year	Emissions (MT CO_2e)[1]
2019	48.0140
2020	56.2465
Bay Area Air Quality Management District Threshold for Significance [2]	*1,100*
Exceed Threshold?	*No*

1. *Emissions were quantified using the CalEEmod, Version 2016.3.2. Refer to* **Appendix A** *for modeling results and assumptions. Totals may not sum due to rounding.*
2. *Threshold for Significance for Projects other than Stationary Sources*

Long-Term Operational Emissions

Long-term operation of the Proposed Project would result in GHG emissions related to as-needed worker trips. The San Joaquin Valley Air Pollution Control District's Climate Change Action Plan (**CCAP**) does not

identify numeric thresholds for significance of GHG emissions. Therefore, The Bay Area Air Quality Management District, which traditionally holds stricter standards for air quality criteria than most of the state, was used to evaluate the significance of Project related GHG impacts. As demonstrated in **Table 3-15.** Unmitigated Long-Term Operation-Generated GHG Emissions, the CO_2 generated from the Proposed Project is in compliance with the all Bay Area Air Quality Management District's Thresholds of Significance for GHGs would have a less than significant impact on the environment[21].

Table 3-15. Unmitigated Long-Term Operation-Generated GHG Emissions

Long-Term Operation-Generated GHG Emissions	
Category	Emissions (MT CO_2e)(1)
Area	0.00038
Energy	0.0000
Mobile	0.0000
Waste & Water	0.0000
Total:	*0.00038*
Bay Area Air Quality Management District Threshold for Significance (Non-Stationary)(2)	*1,100*
Bay Area Air Quality Management District Threshold for Significance (Stationary)(3)	*10,000*
Exceed Threshold?	No

1. *Emissions were quantified using the CalEEmod, Version 2016.3.2. Refer to* **Appendix A** *for modeling results and assumptions. Totals may not sum due to rounding.*
2. *Threshold for Significance for Projects other than Stationary Sources*
3. *Threshold for Significance for Stationary Sources*

VIII-b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) Less Than Significant Impact. SJVAPCD has not established thresholds of significance for greenhouse gas (GHG) emissions, nor has it published any goals, implementation measures, or guidance regarding GHG. In the absence of pre-determined thresholds of significance in the applicable Air District, the Bay Area Air Quality Management District's GHG emissions thresholds were used. The Project complies with the Bay Area Air Quality Management District's GHG emissions thresholds for significance. The Project will not conflict with any applicable plan, policy or regulation for reducing the emissions of GHGs, nor will the Project have a significant impact on the environment. The impact would be considered less than significant. .

[21] Bay Area Air Quality Management District. CEQA Air Quality Guidelines. 2011. http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx?la=en Page D-11.

3.9 Hazards and Hazardous Materials

Table 3-16. Hazards and Hazardous Materials

Hazards and Hazardous Materials					
	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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 handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d)	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?	☐	☐	☐	☒
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?	☐	☐	☒	☐

3.9.1 Environmental Setting

Lists of contaminated sites within Tulare County and vicinity are available from the Regional Water Quality Control Board and the Department of Toxic Substance Control through a variety of online databases. According to information provided by these agency databases, the majority of the sites located within the County are associated with leaking underground fuel tanks.

The Hazardous Waste and Substances Sites List (Cortese List) and the EnviroStor database are tools used to comply with the CEQA requirements for providing information about the location of hazardous materials release sites. A search of the EnviroStor Database was completed to identify any known hazardous release sites located on or adjacent to the proposed Project. No sites were found to be within or adjacent to the UDB/SOI expansion areas (Alternative 1 and 2), which also includes the construction and annexation area.

3.9.2 Regulatory Setting

3.9.2.1 Federal

Hazardous Materials - U.S. Environmental Protection Agency: The U.S. Environmental Protection Agency (U.S. EPA) was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities to ensure environmental protection. U.S. EPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. U.S. EPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, U.S. EPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act. Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states[22]. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code.

Several federal regulations govern hazards as they are related to transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2.2 State

The California Environmental Protection Agency has broad jurisdiction over hazardous materials management in the State. The California Environmental Protection Agency oversees five boards, department and offices: The Air Resources Board, Department of Pesticide Regulation, Office of Environmental Health Hazard Assessment, State Water Resources Control Board, and Department of Toxic Substances Control. Each of these boards, departments, and offices has authority over various types of hazardous materials.

3.9.2.3 Local

Porterville General Plan Policies:

- PHS-G-4: Protect soils, surface water, and ground water from contamination from hazardous materials.
- PHS-G-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- PHS-I-2: Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.

Tulare County General Plan:

- HS-3: To minimize the possibility of the loss of life, injury, or damage to property as a result of airport hazards.
    - HS-3.1: Airport Land Use Compatibility Plan: The County shall require that development around airports is consistent with the safety policies and land use compatibility guidelines contained in the adopted Tulare County Comprehensive Airport Land Use Plan (CALUP).
- HS-4: To protect residents, visitors, and property from hazardous materials through their safe use, storage, transport, and disposal.

[22] National Fire Protection Association, 2015. NFPA 70: National Fire Code.

- HS-4.1: Hazardous Materials – The County shall strive to ensure hazardous materials are used, stored, transported, and disposed of in a safe manner, in compliance with local, State, and Federal safety standards, including the Hazardous Waste Management Plan, Emergency Operations Plan, and Area Plan.

- HS-4.2: Establishment of Procedures to Transport Hazardous Wastes – The County shall continue to cooperate with the California Highway Patrol (CHP) to establish procedures for the movement of hazardous wastes and explosives within the County.

- HS-4.4: Contamination Prevention – The County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

- Policy HS-6: To minimize the exposure of County residents, visitors, and public and private property to the effects of urban and wildland fires.

  - HS-6.6: Wildland Fire Management Plans – The County shall require the development of wildland fire management plans for projects adjoining significant areas of open space that may have high fuel loads.

  - HS-6.12: Weed Abatement – The County shall continue to encourage weed abatement programs throughout the County in order to promote fire safety.

- Policy HS-7: To provide effective emergency response to natural or human-made hazards and disasters.

  - Policy HS-7.3: To provide effective emergency response to natural or human-made hazards and disasters.

Tulare County Health and Human Services Agency, Environmental Health Division: The Unified Hazardous Waste and Hazardous Management Regulatory Program (SB 1082, Health and Safety Code section 25260 et seq) is a State and local effort to consolidate, coordinate, and make consistent existing programs regulating hazardous waste and hazardous materials management. The Unified Program is implemented at the local level by a Certified Unified Program Agency (CUPA). The Tulare County Health and Human Services Agency (TCHHSA), Environmental Health Division (EDH) through the County of Tulare is the CUPA for all cities and unincorporated areas within Tulare County[23].

Tulare County Hazardous Waste Management Plan: Tulare County has prepared a Hazardous Waste Management Plan (HWMP) in accordance with California Health and Safety Code Section 24135 et seq. The Tulare County HWMP was developed in May 1989 and identifies hazardous waste generators within the County, amounts and types of waste produced and projected waste generation. The major goal of the HWMP is to reduce the need for new hazardous waste facilities by reducing waste at its source through recycling, reduced use of hazardous materials, and public education[24].

Tulare County Multi-Hazard Functional Plan: Tulare County has prepared a Multi-Hazard Functional Plan to serve as the County's emergency response plan. The plan addresses responses to various emergency incidents, responsibilities of various agencies, and sources of outside assistance. The plan also identifies evacuation centers

[23] County of Tulare. 2010. Recirculated Draft Environmental Impact Report, SCH No. 2006041162. Page 3.8-5
[24] Ibid.

and addresses evacuation routes, which include all freeways, highways, and arterials that are located outside of the 100-year flood plain[25].

3.9.3 Impact Assessment

IX-a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? and;

a) Less Than Significant Impact. The proposed Project's construction will require the transport and use of small quantities of hazardous materials in the form of gasoline, diesel and oil. Due to the short duration of the construction period, storage of the significant quantities of these materials at the construction site is not anticipated. Fuel is anticipated to be provided for the construction equipment on a daily basis and would be mobilized from an off-site location. No treatment chemicals would be used during the operational phase therefore, no hazardous chemicals will be stored on site after the construction phase beyond the gas tank of vehicles on site. Accordingly, the impacts would be less than significant.

IX-b) 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?

b) Less Than Significant Impact. During construction phase, nonhazardous construction debris would be generated through construction activities. All debris generated will be transferred for disposal to local landfills. The proposed Project construction may require the transport and use of small quantities of hazardous materials in the form of solvents, paints, greases, degreasers, oils, and gasoline or diesel. Small amounts of these materials would be present onsite at any given time and are typical materials used during construction phase of the Project. There is the potential for small leaks to occur due to construction activities or refueling of the construction equipment, however standard construction Best Management Practices (BMPs) included in the SWPPP will reduce the potential for the release of construction-related fuels and other hazardous materials to storm water contamination from spills or leaks, control the amount of runoff from the site, and require proper disposal or recycling of hazardous materials. Any hazardous waste generated during construction of the proposed Project will be collected, transported, and disposed of in compliance with federal, state, and local regulation. The proposed Project operations will not require the onsite storage of hazardous materials.

Therefore, the proposed Project will not create a significant hazard to the public or the environment, and impacts will be less than significant.

IX-c) 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?

c) Less Than Significant Impact. There are no identified school sites or planned school facilities within one-quarter mile radius of the proposed Project site. However, the closest existing school facility is within a 1-mile radius of the proposed Project site, Porterville College is approximately 0.8 Miles northeast of the site, respectively. The proposed Project involves replacing existing water lines and upgrading to a larger single water line and the consolidation to the City's water system. Construction activities and equipment may produce hazardous materials which will be disposed of in compliance with all applicable local, state, and Federal regulations. The proposed Project's long-term operation will not emit hazardous emissions, involve hazardous materials, or create a hazard to schools or planned schools in any way. Any impacts would be less than significant.

[25] County of Tulare. 2010. Recirculated Draft Environmental Impact Report, SCH No. 2006041162. Page 3.8-5 – 3.8-6

IX-d) 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?

d) No Impact. The proposed Project does not involve land that is listed as a hazardous materials site pursuant to Government Code §65962.5 and is not included on a list compiled by the Department of Toxic Substances Control per a review of "Identified Hazardous Waste Sites", conducted on November **22**, 201**7** by Provost & Pritchard Consulting Group. An EnviroStor records search was conducted and **t**he search revealed no sites within or adjacent to the UDB/SOI expansion area (Alternative 1 and 2), which also includes the construction and annexation area. Due to the nature of the proposed Project, the potential for the impacts regarding the replacement of existing water pipes and well will be less than significant to hazardous material sites more than 0.5 miles north of the proposed Project.

IX-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?

e) Less than Significant Impact. The proposed Project construction is approximately 1.5 miles southwest of the Porterville Airport. The proposed Project is not located within the City of Porterville's Municipal Airport Land Use Plan Area. The proposed Project will not result in a safety hazard for people working on the Project. The distance between the airports to the proposed Project site is far enough that it would have a low probability of any impact occurrence. There will be no impact as a result of Project implementation.

IX-f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

f) No Impact. The California Emergency Services Act (Government Code §8550-8668) requires each city to prepares and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life. Porterville Emergency Operations Plan was adopted in 2004. The proposed Project is located along Kessing Street just south of Gibbons Ave. The nearest regional evacuation routes to the proposed Project site are Main Street and State Route 190 as noted by City of Porterville General Plan, Public Health and Safety Element.[26] The proposed Project is located in the right-of-way of Kessing Street and will not interfere with implementation of Porterville's Emergency Services Plan, or affect any adopted emergency evacuation routes. Site access from the City's right-of-way will be provided. There would be no impact.

IX-g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

g) Less than Significant Impact. The proposed Project site is surrounded by urban development, agriculture and a vacant parcel. The proposed Project is located in the City of Porterville and remote from any high-risk wildland fire hazard areas. However, due to the City's proximity to the Sierra Nevada Mountains the proposed Project is identified in a Moderate Risk for wildland fire hazards[27]. The nearest safety service providers to the Project site are Porterville Fire Station 1 approximately 2 miles northeast and Porterville Police Department approximately 2 miles northeast of the site. As such, the Project will not be exposed to risks from wildland fires. Any impacts would be less than significant.

[26] Porterville 2030 General Plan, Public Health and Safety Element p. 177
[27] Ibid.

3.10 Hydrology and Water Quality

Table 3-17. Hydrology and Water Quality

Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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 drainsage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, 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?	☐	☐	☒	☐

3.10.1 Environmental Setting

The City of Porterville has a dry climate with evaporation rates that exceeds rainfall. The local climate is considered warm desert with annual precipitation between approximately 7 to 9 inches, and rainfall rates are highly variable. The majority of precipitation (roughly 84%) falls during the months of November through April.

The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-basin of the San Joaquin Valley Groundwater Basin. Groundwater supplies have not been significantly impacted by droughts in the past,

and, as a result, there is no history of any water supply deficiencies for the City water system. Even during the 1976-1977 drought records indicate a sufficient supply of water.[28]

There are 37 active wells within the City of Porterville. Water is distributed from wells over 275.7 miles of pipeline maintained and operated by the City. The City has approximately 17,000 metered connections, of which 15,205 are residential meters. The City currently operates and maintains six hillside reservoirs: three with a capacity of 3,000,000 gallons, two with a capacity of 300,000 gallons, and one with a capacity of 550,000 gallons. The City has one new reservoir currently under construction for an additional 1,200,000 gallons as part of the East Porterville Emergency Project. The City is also currently constructing three new wells; Well # 34 is referenced as the Akin Well (dedicated to the Akin consolidation and additional capacity for East Porterville), and Well # 35 located at Westwood and Friant Kern Canal (East Porterville capacity), Well # 37 located at the East of 1787 W. River Springs Ave (constructed as City Water Capacity Enhancement). These wells will provide the necessary source capacity for the consolidation of multiple small water systems including CMWC.

3.10.2 Regulatory Setting

3.10.2.1 Federal

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges. The CWA also provides an exemption from the NPDES permitting process for agricultural return flows, which are to be regulated by the State. Such flows are regulated under the California Porter-Cologne Water Quality Act. Both types of permits--NPDES and those for exempt flows under the CWA--are issued by the State of California.

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

3.10.2.2 State

State Water Resources Control Board: The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. The State implements water quality by establishing Basin Plans, which determine the protected beneficial uses and required water quality objectives in different designated basins. The implementation of Basin Planning and the issuing of permits is delegated by the SWRCB to its nine Regional Boards. The Proposed Project site is regulated by the Regional Board for the Central Valley Region.

Regional Water Quality Control Board: The Central Valley Regional Water Quality Control Board (RWQCB) administers the NPDES stormwater permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for

[28] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 196

Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan will include specifications for Best Management Practices (BMPs) that will be implemented during project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established by the RWQCB in the California Storm Water Best Management Practice Handbook (2003) and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP will describe measures to prevent or control runoff degradation after construction is complete and identify a plan to inspect and maintain these facilities or Project elements.

California Code of Regulations Title 23 Waters: Division 2 Department of Water Resources Chapter 2.7 Model Water Efficient Landscape Ordinance – The State Legislature has found that the waters of the state are of limited supply and are subject to ever increasing demands. After January 1, 2010 this ordinance shall apply to all the following landscape projects: new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review. Furthermore, new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review29.

3.10.2.3 Local

Porterville General Plan Policies:

- OSC-G-8: Ensure adequate water quality and supply for the entire Porterville Community.
- OSC-I-38: Continue to work with the Central Valley Regional Water Quality Control Board (RWQCB) for short- and long-term solutions for excessive salts in the ground water treatment operations.
- OSC-I-39: Adopt the Regional Water Quality Control Board's Policies on soil disturbance activities in order to minimize the disturbance of soils, vegetation, organic debris, and other materials that control runoff.
- OSC-I-40: Support the identification of degraded surface water and groundwater resources and promote restoration where appropriate.
- OSC-I-41: Monitor and enforce provisions to control non-point source water-pollution, including storm water flows, contained in the United States Environmental Protection Agency NPDES program as implemented by the Regional Water Quality Control Board.
- OSC-I-42: Support the collection of monitoring data for facilities or uses that are potential sources of groundwater pollution as part of project approvals, including residential and industrial development.
- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.

[29]California Code of Regulations Title 23 Waters: Division 2 Department of Water Resources Chapter 2.7 Model Water Efficient Landscape Ordinance. http://www.water.ca.gov/wateruseefficiency/docs/MWELO_TbContent_Law.pdf Site Accessed April 2014.

- OSC-I-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.

- OSC-I-48: Protect groundwater recharge areas by carefully regulating the type of development within these areas.

- OSC-I-49: Promote the combined use of recharge areas, public recreation, wetlands mitigation programs and/or banking, as part of the City's open space or recreational trail system to the extent deemed feasible by good engineering or geotechnical practice.

- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.

- OSC-I-52: Establish requirements for appropriate Best Management Practices to be implemented during construction efforts to control the discharge of pollutants, prevent sewage spills, and discharge of sediments into streets, stormwater conveyance channels, or waterways.

- OSC-I-53: Require development to retain areas of open space as natural or landscaped to aid in the recharge and retention of runoff.

- OSC-I-54: Support efforts to create additional water storage where needed, in cooperation with federal, state, and local water authorities. Additionally, support and/or engage in water banking in conjunction with these agencies where appropriate.

- OSC-I-56: Incorporate natural drainage systems and groundwater recharge features into developments where appropriate and feasible.

- PHS-G-2: Protect the community from risks to life and property posed by flooding and stormwater runoff.

- PHS-I-8: Implement appropriate flood control measures to assure the safety of residents, while emphasizing maintenance of natural wildlife habitats and vegetation.

- PHS-I-10: Continue to require any new development in the floodway to obtain a permit from the California Reclamation Board and enforce the Flood Damage Prevention Ordinance.

- PHS-I-12: Continue to participate in the National Flood Insurance Program and encourage all property owners within flood hazard areas to carry flood insurance.

Tulare County Flood Control District: The Tulare County Flood Control District is a countywide special district governed by the County Board of Supervisors and oversees the local flood program. The County's Flood Plain Administrator uses FEMA maps to determine areas that are within the 100-year and 500-year floodplains.

Tulare County General Plan:

- HS-5: To minimize the possibility of the loss of life, injury, or damage to property as a result of flood hazards.

  - HS-5.3: Participation in Federal Flood Insurance Program – The County shall continue to participate in the National Flood Insurance Program (NFIP).
- WR-1: To provide for the current and long-range water needs of the County and for the protection of the quality and quantity of surface and groundwater resources.
  - WR-1.5: Expand Use of Reclaimed Wastewater – To augment groundwater supplies and to conserve potable water for domestic purposes, the County shall seek opportunities to expand groundwater recharge efforts.
  - WR-1.8: Groundwater Basin Management – The County shall take an active role in cooperating in the management of the County's groundwater resources.
  - WR-1.11: Groundwater Overdraft – The County shall consult with water agencies within those areas of the County where groundwater extraction exceeds groundwater recharge, with the goal of reducing and ultimately reversing groundwater overdraft conditions in the County.
- WR-2: To provide for the current and long-range water needs of the County and for the protection of the quality of surface and groundwater resources.
  - WR-2.2: National Pollutant Discharge Elimination System (NPDES) Enforcement – The County shall continue to support the State in monitoring and enforcing provisions to control non-point source water pollution contained in the U.S. EPA NPDES program as implemented by the Water Quality Control Board.
  - WR-2.3: Best Management Practices (BMPs) – The County shall continue to require the use of feasible BMPs and other mitigation measures designed to protect surface water and groundwater from the adverse effect of construction activities, agricultural operations requiring a County Permit and urban runoff in coordination with the Water Quality Control Board.
  - WR-2.4: Construction Site Sediment Control – The County shall continue to enforce provisions to control erosion and sediment from construction sites.
  - WR-2.5: Major Drainage Management – The County shall continue to promote protection of each individual drainage basin within the County based on the basins unique hydrologic and use characteristics.
  - WR-2.6: Degraded Water Resources – The County shall encourage and support the identification of degraded surface water and groundwater resources and promote restoration where appropriate.
  - WR-2.7: Industrial and Agricultural Sources – The County shall work with agricultural and industrial concerns to ensure that water contaminants and waste products are handled in a manner that protects the long-term viability of water resources in the County.
- WR-3: To provide a sustainable, long-term supply of water resources to meet domestic, agricultural, industrial, and recreational needs and to assure that new urban development is consistent with available water resources.
  - WR-3.1: Develop Additional Water Sources – The County shall encourage, support and, as warranted, require the identification and development of additional water sources through the expansion of water storage reservoirs, development of groundwater banking for recharge and infiltration, and promotion of water conservation programs, and support of other projects and programs that intend to increase the water resources available to the County and reduce the individual demands of urban and agricultural users.

- WR-3.10: Diversion of Surface Water – Diversions of surface water or runoff from precipitation should be prevented where such diversions may cause a reduction in water available for groundwater recharge.

3.10.3 Impact Assessment

X-a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

a) Less Than Significant Impact. The proposed Project will replace approximately 1,300 feet of pipeline and 40 water service connections. This will enable the water system to have consistent and reliable water service as their current well is failing. The State Water Resources Control Board requires any new construction Project of an acre or more to complete a Stormwater Pollution Prevention Plan (SWPPP). As noted in Impact VI-b Geology and Soils, a SWPPP will be incorporated which involves site planning and scheduling, limiting disturbed soil areas, and determining best management practices to minimize the risk of pollution and sediments being discharged from construction sites. Implementation of the SWPPP will minimize the potential for the proposed Project to substantially alter the existing drainage pattern. The SWPPP would assist control of stormwater runoff during construction in a manner that will reduce substantial erosion or siltation onsite or offsite. There will be minimal discharge to any surface or groundwater associated with the construction. All water supplied to the 40 connections would then come from the City of Porterville and would meet current water quality standards as required by the State Water Resources Control Board. Additionally, with the incorporation of a SWPPP during construction, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. Any impacts would be less than significant.

X-b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin?

b) Less Than Significant Impact. The proposed Project site will connect to the City's water supply. Historically the City has relied solely on groundwater for supplying municipal water service. The City's Urban Water Management Plan considered the City's General Plan Land Use Plan in determining future water demand. There are 37 active wells within the City of Porterville. Water is distributed from wells over 275.7 miles of pipeline maintained and operated by the City. The City has approximately 17,000 metered connections, of which 15,205 are residential meters. The City currently operates and maintains six hillside reservoirs: three with a capacity of 3,000,000 gallons, two with a capacity of 300,000 gallons, and one with a capacity of 550,000 gallons. The City has one new reservoir currently under construction for an additional 1,200,000 gallons as part of the East Porterville Emergency Project. The City is also currently constructing three new wells; Well 34 is referenced as the Akin Well (dedicated to the Akin consolidation and additional capacity for East Porterville), and Well 35 located at Westwood and Friant Kern Canal (East Porterville capacity), Well 37 located at the East of 1787 W. River Springs Ave (constructed as City Water Capacity Enhancement). These wells will provide the necessary source capacity for the consolidation of multiple small water systems including CMWC.

Porterville estimates base daily per capita consumption at 214 gallons per day[30].

The County's General Plan land use for the Project site is currently Rural Residential. The Project site, annexation area and the UDB/SOI expansion area is within the City's Planning Area and have been a part of the City's intended growth pattern. Implementation of the Project will not impede sustainable groundwater

[30] Urban Water Management Plan Update 2010. August 2014. Page 13. https://www.water.ca.gov/LegacyFiles/urbanwatermanagement/2010uwmps/Porterville,%20City%20of/Porterville%202010%20Urban%20Water%20Management%20Plan.pdf

management of the San Joaquin Valley Tule subbasin, nor will it substantially decrease ground water supplies. As part of the Project the CMWC well will be abandoned and will no longer be drawing water out of the groundwater basin. While the approximately 40 connections would be new users on the City's water system, they would not be new users to the groundwater basin. Any impacts would be less than significant.

X-c) 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 which:

(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 drainsage systems or provide substantial additional sources of polluted runoff; or

(iv) impede or redirect flood flows?

c) Less Than Significant Impact. The ground disturbance generated by this Project is primarily the placement of underground pipeline within road right-of-way. Therefore, no existing drainage pattern of the area will be permanently altered. No substantial erosion or siltation on or off-site is expected. Additionally, surface runoff that would result in flooding is not expected to be increased as a result of the Project. No streams or rivers would be altered, no flood flows would be impeded or redirected. Any impacts associated with this checklist item would be less than significant.

X-d) Would the project in flood hazard, tsumani, or seiche zones, risk release of pollutants due to project inundations?

d) No Impact. A canal intersects the site, and the Tule River is located 1.2 miles north of the site. The two nearest bodies of water to the site are a freshwater pond (located within the UDB/SOI expansion area and approximately 0.26 miles east from the Project site) and Lake Success located approximately six miles northeast of the proposed Project site. Due to the distance between the lake and the proposed Project site, there will be no potential for seiche or tsunami to occur. There will be no impact.

X-e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) Less Than Significant Impact. As discussed in impact X-b, the Project site and the UDB/SOI expansion area is within the City's Planning Area and has been a part of the City's intended growth pattern. The CMWC well will be abandoned and the CMWC will be connected to the City of Porterville water system. The Project will not conflict with or obstruct implementation of any water quality control plan or sustainable groundwater management plan. Any impacts would be less than significant.

3.11 Land Use and Planning

Table 3-18. Land Use and Planning

Land Use and Planning				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.11.1 Environmental Setting

The proposed Project is located adjacent to the southern portion of Porterville's city limits and UDB/SOI boundary, in Tulare County. Tulare County lies south of the Sacramento-San Joaquin Delta and comprises 4,863 square miles. The County is bordered by Fresno County to the north, Kings County to the west, Kern County to the south, and Inyo County to the east.

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on **Table 3-19**. City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Table 3-19. Existing Land Use: City of Porterville Planning Area (2005)[31]

Generalized Land Use Category	*Total Acres*	*Percentage*
Agriculture/ Rural / Conservation	*21,270*	*59%*
Single Family Residential	*4,760*	*13%*
Multi-Family Residential	*240*	*1%*
Retail Shopping	*80*	*0%*
Commercial	*760*	*2%*
Industrial	*350*	*1%*
Public/ Quasi-Public	*2,630*	*7%*
Vacant	*3,590*	*10%*
Unclassified (Roads, water, etc)	*2,661*	*7%*
Total City	***36,341***	***100%***

The proposed construction portion of the Project site will be located in the right-of-way of Kessing Street. The site is surrounded by single-family residential homes zoned Rural Residential (RR), to the south is agriculture land zoned Exclusive Agriculture (AE-20), and north is an undeveloped parcel zoned low density residential (RS-2). The cities of Lindsay, Tulare, Visalia, and Hanford are approximately 12 miles, 20 miles, 24 miles, and 40 miles, respectively, northwest of the proposed Project. The Porterville General Plan designates the proposed Project site as an arterial street right-of-way.

[31] City of Porterville General Plan Land Use Element, page 18.

As part of the project the City is considering two alternative alignments of the UDB/SOI. Alternative 1 is would move the SOI/UDB south approximately one-quarter mile to the E. Scranton Avenue alignment., adding a total of approximately 377 acres to the UDB/SOI and include the current CMWC service area (**Figure 2-2**).

Alternative 2 would move the UDB/SOI only in the area to incorporate existing water systems south of Gibbons Avenue, adding approximately 25 acres to the UDB/SOI. (**Figure 2-3**)

The expansion of the UDB/SOI area would then allow for the annexation of the CMWC community, which is located along Kessing Street. The City has pre-zoned the approximately 19.53 acres that would be included in the annexation as Rural Residential.

3.11.2 Regulatory Setting

The Local Agency Formation Commission of Tulare County (LAFCo) will consider approval of the City's proposed UDB/SOI expansion along with approval of an extraterritorial service agreement to allow the City to provide utilities outside of its corporate boundary. The proposed expansion is not intended to facilitate foreseeable annexation or development, and therefore would not directly or indirectly result in any physical change to the environment.

3.11.2.1 Federal

There are no federal regulations, plans, programs or guidelines associated with land use and planning that are applicable to the proposed Project.

3.11.2.2 State

There are no State regulations, plans, programs or guidelines associated with land use and planning that are applicable to the proposed Project.

3.11.2.3 Local

Porterville General Plan Policies:

- LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
- LU-G-3: Promote sustainability in the design and development of public and private development projects.

Tulare County General Plan

- PF-1: To provide a planning framework that promotes the viability of communities, hamlets, and cities while protecting the agricultural, open space, scenic, cultural, historic, and natural resource heritage of the County.
- LU-1: To encourage the overall economic and social growth of the County while maintaining its quality of life standards and highly efficient land use.

- LU-2: To provide for the long-term conservation of productive and natural resource lands including agricultural, foothill, mountain, and riparian areas and to accommodate services and related activities that support the continued viability and conservation resource lands.
    - LU-2.1: Agricultural Lands – The County shall maintain agriculturally designated areas for agriculture use by directing urban development away from valuable agricultural lands to cities, unincorporated communities, hamlets, and planned community areas where public facilities and infrastructure are available.
    - LU-2.5: Agricultural Support Facilities – The County shall encourage beneficial reuse of existing or vacant agricultural support facilities for new businesses (including non-agricultural uses).
- RVLP-1: To sustain the viability of Tulare County's agriculture by restraining division and use of land which is harmful to continued agricultural use of non-replaceable resources.

3.11.3 Impact Assessment

XI-a) Would the project physically divide an established community?

a) No Impact. The construction portion of the Project is located in a residential area just outside the City of Porterville. The site is in the right-of-way of Kessing Street and will be located adjacent to and underneath Kessing Street. The expansion portion of the proposed Project would extend the City's UDB/SOI to the south by approximately 377 acres, for Alternative 1 (see **Figure 2-2**), or by approximately 25 acres for Alternative 2 (**Figure 2-3**). Additionally, the City is proposing to annex the CMWC community (approximately 19.53 acres). No portion of the proposed Project would physically divide any established community. There would be no impact.

XI-b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) No Impact. The construction and annexation portion of the proposed Project site is located adjacent to the City limits and UDB/SOI boundary. The County of Tulare General Plan and Zoning designates the CMWC area as (RR) Rural Residential and (R-A) Rural Residential use. The proposed Project is consistent with the zoning. The UDB/SOI expansion portion of the proposed Project would simply extend the SOI and UDB for the City of Porterville. The approximately 20 acres that would be annexed are pre-zoned by the City as Rural Residential, which is consistent with the current land use. There would be no impact.

3.12 Mineral Resources

Table 3-20. Mineral Resources

Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.12.1 Environmental Setting

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada Range. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcanic and sedimentary rocks. The majority of the Planning Area has elevations ranging between 400 and 800 feet; however, the eastern portion is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level[32].

Historically, the quarrying of magnesite was a significant industry in the City of Porterville. Currently, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (riverbeds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills[33].

Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones

3.12.2 Regulatory Setting

3.12.2.1 Federal

There are no federal regulations, plans, programs or guidelines associated with mineral resources that are applicable to the proposed Project.

3.12.2.2 State

There are no State regulations, plans, programs or guidelines associated with mineral resources that are applicable to the proposed Project.

[32] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 147
[33] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p.164

3.12.2.3 Local

Porterville General Plan Policies:

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-G-6: Protect significant mineral resources.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-22: Continue to require soils and geological surveys for all proposed development in hillside areas.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.

Tulare County General Plan:

- ERM-2: To conserve protect and encourage the development of areas containing mineral deposits while considering values relating to water resources, air quality, agriculture, traffic, biotic, recreation, aesthetic enjoyment, and other public interest values.
    - ERM-2.1: Conserve Mineral Deposits – The County will encourage the conservation of identified and/or potential mineral deposits recognizing the need for identifying, permitting, and maintaining a 50-year supply of locally available PCC grade aggregate.
- ERM-3.1: To protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.
- ERM-7: To preserve and protect soil resources in the County for agricultural and timber productivity and protect public health and safety.

3.12.3 Impact Assessment

XII-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?

a) No Impact. Mineral resources located within Tulare County are predominately sand and gravel resources primarily provided by four streams: Kaweah River, Lewis Creek, Deer Creek, and the Tule River. Tule River is the nearest of these four streams to the proposed Project site, approximately 0.93 miles to the south. Due to the distance from these streams, the proposed Project will not result in the loss of an available known mineral resource. There would be no impact.

XII-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?

b) No Impact. There are three active construction-grade sand and gravel mining sites and additional aggregate resource in the City of Porterville, all of which are along the Tule River. However, the lands immediately adjacent to the Tule River are afforded protection by State and federal regulations, and are designated as parks or conservation areas and would not be subject to future urban development.[34] The proposed Project site and UDB/SOI expansion alternatives are not delineated on a local land use plan as a locally-important mineral resource recovery site; therefore, the existence of the proposed Project will not result in the loss of availability of any mineral resources. There would be no impact.

[34] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 165

3.13 Noise

Table 3-21. Noise

Noise				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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?	☐	☐	☐	☒

3.13.1 Environmental Setting

The proposed construction Project site is located in the right-of-way of Kessing Street within an unincorporated community and zoned RR. Surrounding land uses include a vacant parcel to the north, residential uses to the east and west and agriculture to the south.

The Project site is adjacent to the City of Porterville and noise levels around the site are typically associated with traffic, farm equipment, and associated activities. Typical industrial, manufacturing, utilities, and agricultural land uses noise levels ranged between 55 to 77 dB. New construction or development activities in agricultural and industrial areas generally range between 75 to 80 dB. According to the general plan, new development and construction activities in agricultural areas that would exceed 80 db would normally be unacceptable[35] or discouraged.

3.13.2 Regulatory Setting

3.13.2.1 Federal

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be

[35] 2030 City of Porterville General Plan, Noise Element p. 110

exposed to ground-borne vibration levels of 0.5 PPV without experiencing structural damage36. The FTA has identified the human annoyance response to vibration levels as 80 RMS22.

3.13.2.2 State

California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

3.13.2.3 Local

Measuring and reporting noise levels involves accounting for variations in sensitivity to noise during the daytime versus nighttime hours. Noise descriptors used for analysis need to factor in human sensitivity to nighttime noise when background noise levels are generally lower than in the daytime and outside noise intrusions are more noticeable. Common descriptors include the Community Noise Equivalent Level (CNEL) and the Day-Night Average Level (Ldn). Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent. The CNEL descriptor is used in relation to major continuous noise sources, such as aircraft or traffic, and is the reference level for the Noise Element under State planning law.

The City of Porterville General Plan:

The Noise Element included in the 2030 City of Porterville includes noise and land use compatibility standards for various land uses. These are shown in **Table 3-22** below.

Table 3-22. Land Use Compatibility for Community Noise Environments[37]

Land Use Category	Community Noise Exposure, Ldn or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex, mobile homes	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Schools, libraries, churches, hospitals, nursing homes	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Interpretation: Normally acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally unacceptable – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly unacceptable – New construction or development should generally not be undertaken. Porterville General Plan Policies:

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.

[36] U.S. Department of Transportation, Federal Transit Administration. The Noise and Vibration Impact Assessment. May 2006.
[37] 2030 City of Porterville General Plan, Noise Element p. 207

- N-G-2: Ensure that new development is compatible with the noise environment.

- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.

- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

Tulare County General Plan:

- HS-8: To protect County residents and visitors from the harmful effects of excessive noise while promoting the County economic base.

    - HS-8.6: Noise Level Criteria – The County shall ensure noise level criteria applied to land uses other than residential or other noise-sensitive uses are consistent with the recommendations of the California Office of Noise Control (CONC).

    - HS-8.13: Noise Analysis – The County shall require a detailed noise impact analysis in areas where current or future exterior noise levels from transportation or stationary sources have the potential to exceed the adopted noise policies of the Health and Safety Element, where there is development of new noise sensitive land uses or the development of potential noise generating land uses near existing sensitive land uses. The noise analysis shall be the responsibility of the project applicant and be prepared by a qualified acoustical engineer (i.e., a Registered Professional Engineer in the State of California, etc.) The analysis shall include recommendations and evidence to establish mitigation that will reduce noise exposure to acceptable levels (such as those referenced in Table 10-1 of the Health and Safety Element).

    - HS-8.18: Construction Noise – The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7 pm, Monday through Saturday when construction activities are located near sensitive receptors. No Construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

    - HS-8.19: Construction Noise Control – The County shall ensure that construction contractors implement best practices guidelines (i.e., berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.

3.13.3 Impact Assessment

XIII-a) 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 the local general plan or noise ordinance, or applicable standards of other agencies?

a) Less Than Significant Impact. Proposed Project operations would be passive with minimal noise generating activity and therefore would not create a substantial increase in ambient noise levels. Maintenance activities would occur infrequently and are not expected to substantially increase ambient noise levels in the area above existing levels.

Proposed Project construction would involve temporary noise sources and is anticipated to last approximately two months. Activities involved in construction would generate infrequent maximum noise levels, as indicated in **Table 3-23**, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control.

Construction noise levels would range between continual and irregular noises frequencies depending on type of mechanical equipment being utilized.

Table 3-23. Typical Construction Noise Levels

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise Control[1]
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

[1] Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.

All construction related activities and Project operations will comply with the standards set forth by the City of Porterville General Plan. Construction activities would take place during daylight hours between 7 a.m. and 7 p.m. on weekdays and 7 a.m. and 5 p.m. on weekends. Therefore, the impact will be less than significant.

XIII-b) Would the project result in generation of groundborne vibration or groundborne noise levels?

b) Less Than Significant Impact. Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings[38].

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The vibration velocity level is reported in decibels relative to a level of 1x10-6 inches per second and is denoted as VdB. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day. **Table 3-24** describes the typical construction equipment vibration levels.

[38] U.S. Department of Transportation, Federal Transit Administration. The Noise and Vibration Impact Assessment. May 2006.

Table 3-24. Typical Construction Vibration Levels

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences which are located immediately adjacent to the eastern edge of the proposed park site. The impact would be less than significant.

XIII-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?

c) No Impact. As discussed in impact Section IX-e, the proposed Project is not found within any airport land use plan. The nearest active public airport is the Porterville Airport PTV, which is located approximately 1.53 miles to the southwest of the proposed Project site. Therefore, there will be no impact.

3.14 Population and Housing

Table 3-25. Population and Housing

Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.14.1 Environmental Setting

Over the past 30 years, the City of Porterville's population has grown at an average annual rate of 3.7 percent. However, the City's population growth slowed to an average annual rate of 2.8 percent over the most recent 15 years. According to the most recent California DOF report, the City currently is at approximately 55,490 residents, a 0.5 percent increase from 2012[39]. Build-out of the 2030 General Plan will accommodate a population of approximately 107,300 in Porterville, which represents an annual population growth rate of 3.7 percent[40].

3.14.2 Regulatory Setting

3.14.2.1 Federal

There are no federal regulations, plans, programs, and guidelines associated with population or housing that are applicable to the Proposed Project.

3.14.2.2 State

California Housing Element Law: State law requires each city and county to adopt a general plan for future growth. This plan must include a Housing Element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the State level, the California Department of Housing and Community Development estimates the relative share of California's projected population growth that could occur in each county in the State based on Department of Finance population projections and historic growth trends. Where there is a regional council of governments, as in Kern County, the California Department of Housing and Community Development provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations.

The California Department of Housing and Community Development oversees the process to ensure that the councils of governments distribute their share of the State's projected housing need. Each city and

[39] Department of Finance, May 1, 2013 Report
[40] City of Porterville General Plan, Introduction p. 12

county must update its general plan housing element on a regular basis (typically, every five to eight years). Among other things, including incorporating policies, the housing element must identify potential sites that could accommodate the city's share of the regional housing need. Before adopting an update to its housing element, the city or county must submit a draft to the California Department of Housing and Community Development for review. The department advises the local jurisdiction as to whether its housing element complies with the provisions of California housing element law.

The councils of governments are required to assign regional housing shares to the cities and counties within their regions on a similar five-year schedule. At the beginning of each cycle, the California Department of Housing and Community Development provides population projections to the councils of governments, which then allocate shares to their cities and counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

3.14.2.3 Local

There are no local regulations, plans, programs, and guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 Impact Assessment

XIV-a) Would the project 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)?

a) Less Than Significant Impact. The proposed Project would annex into the City the CMWC community and provide 40 new water hookups within the community. The community is currently unincorporated and is just outside the city limits and the current UDB/SOI. As part of the Project the City would also expand its UDB/SOI boundary. The proposed Project would not directly induce population growth because it proposes no new housing or land use changes. The Project does propose to extend the City's existing infrastructure, but only by replacing existing infrastructure within Kessing street to better serve the community; any impacts would be less than significant.

XIV-b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) No Impact. No housing would be removed, and no new housing is proposed as part of the Project. There would be no impact as a result of Project implementation

3.15 Public Services

Table 3-26. Public Services

Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☒	☐

3.15.1 Environmental Setting

Fire Protection: The nearest fire station is Porterville Fire Station 1, which is approximately 2.13 miles northeast of the proposed Project.

Police Protection: The nearest sheriff's station is located approximately 2.2 miles northeast of the Project site.

School: The nearest school is located approximately 0.8 of a mile northeast of the Project.

Parks: There are two parks located within a 1-mile radius of the proposed Project, Pioneer Ballfields located approximately 0.7 of a mile northeast and Tule River Parkway located approximately 1 mile north of the site.

The Teapot Dome Landfill plant is approximately 4.15 miles southwest of the proposed Project site.

3.15.2 Regulatory Setting

3.15.2.1 Federal

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.2.2 State

California Fire Code and Building Code: The 2007 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

3.15.2.3 Local

Porterville General Plan Policies:

- LU-G-5: Promote sustainability in the design and development of public and private development projects.
- OSC-G-3: Design public open spaces as sustainable systems.
- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.
- OSC-I-7: Use native vegetation, drought tolerant plants, recycled water irrigation, other water-saving devices drainage swales and water percolation systems, and recycled building materials in public open spaces for ease of maintenance and environmental sustainability.
- OSC-I-8: Provide a variety of outdoor recreation opportunities through improvements to open space and parks, construction of facilities, and sponsoring of programs that stimulate active resident participation.
- OSC-I-10: Work with property owners, law enforcement officials, and the public to protect open space resources. These efforts will include but are not limited to: Soliciting volunteers to remove invasive vegetation; Removing abandoned items and trash; and Ensuring no illegal encampments occur on open space areas.
- PHS-G-3: Protect Porterville's residents and businesses from potential fire hazards.
- PHS-I-13: Maintain automatic and/or mutual aid agreements with surrounding jurisdictions for fire protection.
- PHS-I-14: Enforce weed abatement programs and building and fire code requirements to assure adequate fire protection.
- PHS-I15: Develop and expand existing public fire safety and emergency life support education programs in order to promote public awareness of fire hazards and emergency procedures.
- PHS-G-5: Provide a comprehensive program of safety services including police, fire and medical response in all parts of Porterville.
- PHS-I-24: Provide cost effective fire, police, and emergency medical service within the City to minimize potential injury, loss and/or destruction to persons or property.

- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

- PHS-I-32: Work with owners and operators of critical use facilities to ensure that they can provide alternate sources of electricity, water, and sewerage in the event that regular utilities are interrupted in a disaster.

Tulare County General Plan:

- PF-7: To provide adequate fire and law enforcement facilities and services to ensure the safety of County residents and the protection of County property.

- PF-8: To ensure adequate schools and community facilities are provided and are conveniently located for County residents.

3.15.3 Impact Assessment

XV-a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Less Than Significant Impact. The proposed Project will not rely on the addition or alteration of any public services from fire, law enforcement, schools, and parks. The proposed Project is located just outside of the city limits and will involve a water line connection to the City of Porterville's water main. The extension of services to 40 water service connections would be minor. Currently the community of CMWC already receives police and fire protection from the City of Porterville and is within the Porterville Unified School District boundary. Any impacts would be less than significant impact.

3.16 Recreation

Table 3-27. Recreation

Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.16.1 Environmental Setting

There are a total of 20 parks and recreation facilities within Tulare County totaling approximately 5,701 acres; 13 are owned and operated by the County, two are State facilities and five are federal facilities. A number of neighborhood parks, play lots, pocket parks and other recreation facilities are also located within the incorporated cities in the County[41].

The nearest park to the proposed Project site is Pioneer Ball fields, within the City of Porterville. It is located approximately 0.7 miles northeast of the site.

3.16.2 Regulatory Setting

3.16.2.1 Federal

There are no federal regulations, plans, programs or guidelines associated with recreation that are applicable to the proposed Project.

3.16.2.2 State

There are no state regulations, plans, programs or guidelines associated with recreation that are applicable to the proposed Project.

3.16.2.3 Local

There are no local regulations, plans, programs or guidelines associated with recreation that are applicable to the proposed Project.

[41] Tulare County General Plan Background Report, Pages 4-3 and 4-4

3.16.3 Impact Assessment

XVI-a) 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?

a) No Impact. The proposed Project will not increase the use of existing neighborhood and regional parks or other recreational facilities. The Project will replace the existing water system with a new water system of the same capacity, annex into the City the community of CMWC and expand the City's UDB/SOI boundary. The proposed Project, however, will not directly increase population or tourism as such to warrant additional park space or deteriorate existing recreational facilities. Therefore, there would be no impact.

XVI-b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

b) No Impact. The Proposed Project does not include recreational facilities. As there is no population growth resulting directly from Project implementation, construction or expansion of nearby recreational facilities will not be necessary. There would be no impact.

3.17 Transportation

Table 3-28. Transportation/Traffic

Transportation/Traffic				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project 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?	☐	☐	☐	☒

3.17.1 Environmental Setting

The proposed Project site is adjacent to the City of Porterville, California, approximately two miles east of SR 65 and approximately 1.3 miles north of SR 190. The water main and service connections will be located along South Kessing Street, south of West Gibbons Avenue.

The nearest airport to the Project site is Porterville Municipal Airport which is located approximately 1.53 miles the southwest of the site.

3.17.2 Regulatory Setting

3.17.2.1 Federal

Transportation Equity Act for the 21st Century (TEA-21): On June 9, 1998, the Clinton Administration signed into law PL 105-178 authorizing highway, highway safety, transit, and other surface transportation programs for the next six years. TEA-21 builds on the initiatives established in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, which was the previous major authorizing legislation for surface transportation. Reauthorization of this bill with a focus on funding safety improvements is anticipated in fall of 2004.

Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA): The Bush Administration's SAFETEA bill offers proposals to make our highways safer. Enactment of this bill would be an important step in reducing highway fatalities and injuries and providing greater flexibility to State and local governments to use these funds consistent with a comprehensive strategic highway safety plan. The President's proposal would provide funding for highway and safety programs and for public transportation programs from fiscal year 2004 through fiscal year 2009.

Federal Clean Air Act: The Federal Clean Air Act, coupled with TEA 21, and foreseeable legislation, requires that the RTP integrate transportation and air quality during the planning process. The 1990 California Clean Air Act (CCAA) Amendment requires the following stipulations in order to receive federal funding:

- Establish a permitting program that achieves no net increase in stationary source emissions;
- Develop a strategy to reduce vehicle trips, use and miles traveled;
- Increase average vehicle ridership to 1.5 persons per vehicle during commute hours;
- Establish Best Available Retrofit Control Technology (BARCT) requirements for all permitted sources; and
- Development of indirect and area source programs.

3.17.2.2 State

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

State Route 190 is designated as Segment 3 in the proposed Project vicinity. Route 190 is classified by Caltrans as rural except for the portion in Porterville that is designated urban. The route is also predominately indicated as a Minor Arterial and Major Collector. Therefore, the Route Concept LOS of D has been assigned to the entire route. Segment 3 is a 4-lane expressway and there are no changes expected to this segment[42].

SR 65 is designated as Segment 7 in the vicinity of the proposed Project site and has a LOS of C. The route concept for Segment 7 of Route 65 is described by Caltrans as a two-lane expressway, with improvements potentially being a four-lane expressway over the next 10 years43.

3.17.2.3 Local

Porterville General Plan Policies:

- C-I-2: Require all new developments to provide right-of-way and improvements consistent with the General Plan street designations and City street section standards.

- C-G-6: Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.

- C-G-7: Ensure that new development pays its fair share of the costs of transportation facilities.

- C-I-10: Require traffic impact studies for all General Plan amendments that will generate more than 100 peak hour trips.

[42] California Department of Transportation. State Route 190 Transportation Concept Reporthttp://www.dot.ca.gov/dist6/planning/tcrs/sr190tcr/sr190fulldoc.pdf. Site accessed October 2012.
[43] California Department of Transportation. State Route 65 Transportation Concept Report http://www.dot.ca.gov/dist6/planning/tcrs/sr65tcr/sr65_full_document.pdf Site accessed October 2012.

- C-I-12: Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

Tulare County General Plan:

- TC-1: To promote an efficient roadway and highway system for the movement of people and goods, which enhances the physical, economic, and social environment while being safe, environmentally friendly, and cost-effective.
    - TC-1.1: Provision of an Adequate Public Road Network – The County shall establish and maintain a public road network comprised of the major facilities illustrated on the Tulare County Road Systems to accommodate projected growth in traffic volume.
    - TC-1.3: Regional Coordination – the County shall continue to work with State, regional and local agencies to assess transportation needs and goals and support coordinated transportation planning and programming with the Tulare County Association of Governments and other local agencies.
    - TC-1.5: Public Road System Maintenance – The County shall give priority for maintenance to roadways identified by the Tulare County Pavement System (PMS) and other inputs relevant to maintaining the safety and integrity of the County roadway system.
    - TC-1.14: Roadway Facilities – As part of the development review process, new development shall be conditioned to fund, through impact fees, tonnage fees, and/or other mechanism, the construction and maintenance of roadway facilities impacted by the project. As projects or locations warrant, construction or payment of pro-rata fees for planned road facilities may also be required as a condition of approval.
    - TC-1.15: Traffic Impact Study – The County shall require an analysis of traffic impacts for land development projects that may generate increased traffic on County roads. Typically, applicants of projects generating over 100 peak hour trips per day or where LOS "D" or worse occurs, will be required to prepare and submit this study. The traffic impact study will include impacts from all vehicles, including truck traffic.
    - TC-1.16: County Level of Service (LOS) Standards – The County shall strive to develop and manage its roadway system (both segments and intersections) to meet a LOS of "D" or better in accordance with the LOS definitions established by the highway Capacity Manual.
- TC-2: To improve and enhance current rail services that stimulate economic growth and meet the needs of freight and human transportation.
- TC-3: To enhance airports in the County to meet the County's changing needs and demands while minimizing adverse airport related environmental impacts and safety hazards.
- TC-4: To support the development of a public transportation system that provides an alternative to the private automobile and meets the needs of those considered "transit dependent".
- TC-5: To encourage the development of safe, continuous, and easily accessible bicycle and trail systems that facilitate the use of viable transportation alternatives in a safe and financially feasible manner.
    - TC-5.1: Bicycle/Pedestrian Trail System – The County shall coordinate with TCAG and other agencies to develop a Countywide integrated multi-purpose trail system that provides a linked network with access to recreational, cultural, and employment facilities, as well as offering a recreational experience apart from that available at neighborhood and community parks.

3.17.3 Impact Assessment

XVII-a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

a) Less Than Significant Impact. The proposed Project would not require any changes to existing transportation systems or new roadway construction. Typical construction traffic would be temporary and occur over approximately two months.

There is expected to be virtually no change in the operating conditions of the roadways from what currently exists, and the proposed Project will not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of circulation systems. Due to the low number of construction and operations trips, any impact to local roadways will be less than significant.

XVII-b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 Subdivision (b)?

b) Less Than Significant Impact. There is no population growth associated with the Project, nor will implementation of the Project result in an increase of staff or drivers utilizing roadways in the area. Therefore, implementation of the Project will not increase any vehicle miles traveled in the area or interfere with existing level of service standards during the operational phase. Construction-related roadway interferences will be less than significant in nature.

XVII-c) 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)?

c) No Impact. There would be no new roadways as a result of the proposed Project, therefore, there would be no increase of hazards due to a geometric design feature. As such, no impacts would occur as a result of proposed Project implementation.

XVII-d) Would the project result in inadequate emergency access?

d) No Impact. The Project site and surrounding roadway network do not have any conditions that would restrict emergency access to the Project site. No temporary lane closures are currently proposed during construction of the Project. The Project's ingress/egress and on-site circulation are required to meet the Fire Departments and Police Department standards which will ensure any impacts would be less than significant.

No external roads will be modified as a result of this proposed Project; as such, there would be no impact to any emergency access.

3.18 Tribal Cultural Resources

Table 3-29. Tribal Cultural Resources

Tribal Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) 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, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

3.18.1 Environmental Setting

The proposed Project area has been developed into residential uses and little natural vegetation remains. There is agriculture located in south, east and west of the to the Project.

In a letter dated September 14, 2017, Sahraya Souza of the NAHC informed the City that no resources were identified within the subject portion of the APE as a result of the Sacred Lands File search. Souza's letter included a list of five Native American contacts who may have special knowledge of the Project area (**Appendix D**). On November 17, 2017, the City sent a letter describing the Project and its location to each of the following contacts identified by the NAHC:

- Julie Turner, Secretary, Kern Valley Indian Council;
- Rueben Barrios Sr., Chairperson, Santa Rosa Rancheria Tachi Yokut Tribe;
- Neil Peyron, Chairperson, Tule River Indian Tribe;
- Robert L. Gomez, Jr., Tribal Chairperson, Tubatulabals of Kern Valley;
- Kenneth Woodrow, Chairperson, Wuksache Indian Tribe/Eshom Valley Band;

The City has yet to receive any contact from the aforementioned tribes.

A records search was conducted at the Southern San Joaquin Valley Information Center, California State University, Bakersfield, and at the Native American Heritage Commission *Sacred Lands File*. These investigations determined that the study area had not been previously surveyed and that no archaeological

sites, sacred sites or traditional cultural places had been identified within or adjacent to the proposed Project Area. Additionally, the City has not been contacted by any California Native American tribes regarding tribal cultural resources within the proposed Project vicinity.

3.18.2 Regulatory Setting

3.18.2.1 Federal

There are no federal regulations, plans, programs or guidelines associated with tribal cultural resources that are applicable to the proposed Project.

3.18.2.2 State

Assembly Bill 52

The Proposed Project is subject to Native American consultation pursuant to California statute: Public Resources Code Section 21080.3 (AB 52). Under AB 52, the lead agency, within 14 days of determining that an application is complete, must notify any Native American Tribe that has previously requested such notification about the Proposed Project and inquire whether the Tribe wishes to initiate formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

CEQA

CEQA is applicable to discretionary actions by state or local lead agencies. Under CEQA, lead agencies must analyze impacts to cultural resources. Significant impacts under CEQA occur when "historically significant" or "unique" cultural resources are adversely affected, which occurs when such resources could be altered or destroyed through project implementation. Historically significant cultural resources are defined by eligibility for or by listing in the California Register of Historical Resources (CRHR). In practice, the federal NRHP criteria (see below) for significance applied under Section 106 are generally (although not entirely) consistent with CRHR criteria (see PRC § 5024.1, Title 14 CCR, Section 4852 and § 15064.5(a)(3)).

Significant cultural resources are those archaeological resources and historical properties that:

(A) Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Are associated with the lives of persons important in our past;

(C) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or

(D) Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent:

> An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
>
> (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

Preservation in place is the preferred approach under CEQA to mitigating adverse impacts to significant or unique cultural resources.

3.18.2.3 Local

There are no local regulations, plans, programs or guidelines associated with tribal cultural resources that are applicable to the proposed Project.

3.18.3 Impact Assessment

XVIII-a) 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:

XVIII-a-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)

a-i) No Impact: The cultural resources survey conducted by ASM Affiliates, Inc. did not find any known tribal cultural resources within the proposed Project area. Additionally, a records search was conducted at the Southern San Joaquin Valley Information Center, August 29th, 2017, and at the Native American Heritage Commission Scared Lands File. These investigations determined that the study area had not been previously surveyed that no archaeological sites, sacred sites or traditional cultural places had not been identified within or adjacent to the proposed Project area. The City of Porterville had received a list of tribes from the Native American Heritage Commission regarding tribal cultural resources within the proposed Project vicinity. Letters were set to the tribes on November 17th, 2017 and no further consultation was requested form the tribes. Therefore, there will be no impact.

XVIII-a-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, the lead agency shall consider the significance of the resource to a California Native American tribe.

a-ii) No Impact: The proposed Project area is a developed unincorporated residential development and is adjacent to cultivated agricultural land and vacant land (see **Figure 2-2**). The California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe that human remains to be those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission. The Project would comply with existing law, and potential impacts to human remains would be less than significant.

3.19 Utilities and Service Systems

Table 3-30. Utilities and Service Systems

Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
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 which 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 reductions goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Environmental Setting

Wastewater Services / Facilities: The residences and business that are within CMWC and the proposed extension of the UDB/SOI is outside of the city limits and are consequently on septic tanks for their wastewater treatment needs.

Water: Currently CMWC receives potable water from a well that is failing. Upon Project completion, the City of Porterville will be responsible for providing potable water to the approximately 40 service connections that are currently serviced by Central Mutual Water Company.

Solid Waste: The Teapot Dome Landfill serves the Porterville area and is approximately 6.3 miles southwest of the proposed Project site. This landfill is one of three that serve all of Tulare County as well as parts of surrounding counties and they accept wood, green waste, and tires for recycling purposes in addition to solid waste.

3.19.2 Regulatory Setting

3.19.2.1 Federal

Clean Water Act-Section 404: The federal Clean Water Act (CWA, 33 USC 1251-1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's water." Important applicable sections of the Act are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal permit that proposes an activity which may result in a discharge to "waters of the United States" to obtain certification from the state that the discharge will comply with other provisions of the Act. The Regional Water Quality Control Board (RWQCB) provides certification.
- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the United States. This permit program is administered by the RWQCB.
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. The U.S. Army Corps of Engineers (ACOE) administers this permit program.

Wetlands and other waters of the U.S. are subject to the jurisdiction of the ACOE and Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act. Wet areas that are not regulated by this Act do not have a hydrologic link to other waters of the U.S., either through surface or subsurface flow. The ACOE has the authority to issue a permit for any discharge, fill, or dredge of wetlands on a case-by-case basis, or by a general permit. General permits are handled through a Nationwide Permit (NWP) process. These permits allow specific activities that generally create minimal environmental effects. Projects that qualify under the NWP program must fulfill several general and specific conditions under each applicable NWP. If a proposed project cannot meet the conditions of each applicable, an individual permit would likely be required from the ACOE (EPA 2004).

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits.

Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.2.2 State

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). I n general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non-15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans) which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

- *National Pollutant Discharge Elimination System (NPDES) Permit. As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits*[44]

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.2.3 Local

Porterville General Plan Policies:

- PU-G-1 Ensure an adequate supply of fresh water to serve existing and future needs of the City.
- PU-G-2 Promote the conservation of water within Porterville.
- PU-G-3 Ensure wastewater collection and treatment services and reclamation area acreages are available to meet existing and future needs of the City.
- PU-G-4 Provide a comprehensive storm drainage system to protect life and property.
- PU-G-5 Achieve and maintain the State's solid waste management goals.
- PU-G-6 Ensure the provision of adequate utilities and communication systems to serve existing and future residents and businesses.

Tulare County General Plan:

- PFS-1: To establish and maintain acceptable levels of service, minimize costs, and provide criteria for determining the location, capacity, and timing of existing and future public facilities and services.
    - PFS-1.2: Maintain Existing Levels of Services – The County shall ensure new growth and developments do not create significant adverse impacts on existing County-owned and operated facilities.
- PFS-2: To ensure the provision of a reliable, safe, and adequate supply of high quality water as well as effective distribution and storage facilities to meet the existing and future needs in the County.
- PFS-3: To ensure the provision of adequate wastewater collection, treatment, and disposal within the County.

[44] California State Water Resources Control Board. National Pollutant Discharge Elimination System (NPDES). Site Available: http://www.waterboards.ca.gov/water_issues/programs/npdes/.

- PFS-4: To ensure the management of stormwater in a safe and environmentally sensitive manner through the provision of adequate storm drainage facilities that protect people and property.
  - PFS-4.6: Agency Coordination – The County shall work with the Army Corps of Engineers and other appropriate agencies to develop stormwater detention/retention facilities and recharge facilities that enhance flood protection and improve groundwater recharge.
  - PFS-4.7: NPDES Enforcement – The County shall continue to monitor and enforce provisions to control non-point source water pollution contained in the U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) program.
- PFS-5: To ensure the safe and efficient disposal and recycling of solid and hazardous waste generated in the County.

3.19.3 Impact Assessment

XIX-a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

a) Less Than Significant Impact. The proposed Project entails construction of an approximately 1,300-foot, 8-inch PVC water main along South Kessing Street. The main will be set six feet east of centerline and will connect via tapping sleeve to the existing 16-inch City main within W. Gibbons Avenue. Additionally, approximately 40 1-inch service connections with meters will be installed. Each parcel will have one service connection from the main. Fire hydrants will be installed at maximum intervals of 500 feet. The existing water system will be abandoned in place, and the owners of CMWC will instead become customer of the City of Porterville. The Project also includes abandonment of the existing well in accordance with County standards, annexation of the CMWC community and the expansion of the UDB/SOI boundary. There will not be an increase in the amount of water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunication facilities as only water service connections are being replaced and connected to the City, but not expanded. Expansion of the UDB/SOI is not intended to facilitate foreseeable annexation or development, beyond the annexation of the CMWC community which is already developed, and therefore would not directly or indirectly result in any physical change to the environment. Potential impacts relating to the construction and operation of the proposed Project have been discussed throughout the document. The impact would be less than significant.

XIX-b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

b) Less Than Significant Impact. The proposed Project site will connect to the City's water supply. Historically the City has relied solely on groundwater for supplying municipal water service. The City currently operates 37 active wells which consist of over 275.7 miles of pipeline maintained and operated by the City. Porterville estimated per capita consumption at 214 gallons per day and total deliveries of almost 11,000 acre-feet per year. The noted values include all City water connections which include residential, commercial, municipal and industrial users. Water usage by customer type is roughly estimated at 62 percent single-family residential, 12 percent multifamily residential, 19 percent commercial/industrial, 4 percent large landscape irrigation, and 5 percent other types of users[45]. The City's Urban Water Management Plan considered the City's General Plan Land Use Plan in determining future water demand. Therefore, the consolidation of CMWC with the City has been anticipated, any impacts would be less than significant.

[45] Porterville 2030 General Plan: Draft Environmental Impact Report (SCH#2006011033), p. 197

XIX-c) Result in a determination by the wastewater treatment provider which 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?

c) No Impact. The service connections within CMWC utilize septic tanks for the wastewater treatment needs. Therefore, the proposed Project would not result in the need for new wastewater facilities and would not have an adverse effect on wastewater treatment requirements.

XIX-d) 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?

d) Less Than Significant Impact. The proposed Project will not generate any additional solid waste from operation. Proposed Project construction will generate minimal amounts of solid waste. Any construction debris that is not recycled will be received at the Teapot Dome Landfill. The Teapot Dome Landfill plant is approximately 4.15 miles southwest of the proposed Project site. Any impacts will be less than significant.

XIX-e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

e) No Impact. The County of Tulare's Public Works Department provides commercial, residential, and industrial refuse collection to all locations within the County of Tulare. The County currently serves the Project site and the UDB/SOI expansion area and will continue to do so accordance with any federal, state, and local regulations. Once the CMWC site is annexed into the City the property owners are eligible to sign up for refuse collection through the City. Residents can continue to receive their refuse service through the County for up to five years after the annexation. After the five years have passed residents who have not yet transferred to City refuse service will be required to do so. There would be no impact.

3.20 Wildfire

Table 3-31. Wildfire Impacts

Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 uncontrollable spread of 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?	☐	☐	☐	☒

3.20.1 Environmental Setting

The proposed Project is located in Tulare County, adjacent to the City of Porterville. The CMWC is located on a site that is in a flat urbanized area of the Central San Joaquin Valley. Most of the construction will be taking place within road right of ways and no habitable structures are being constructed as part of the Project, and the Project is not considered to be population growth inducing.

3.20.2 Regulatory Setting

3.20.2.1 Federal

There are no federal regulations, plans, programs, or guidelines associated with wildfire that are applicable to the proposed Project.

3.20.2.2 State

There are no State regulations, plans, programs, or guidelines associated with wildfire that are applicable to the proposed Project.

3.20.2.3 Local

There are no local regulations, plans, programs, or guidelines associated with wildfire that are applicable to the proposed Project.

XX-a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

XX-b) Would the project, due to slope, prevailing winds, or other factors exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from wildfire or the uncontrolled spread of wildfire?

XX-c) 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?

XX-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?

a-d) No Impact. The proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Construction will consist of connecting the CMWC to the City of Porterville's water system and will not be growth inducing. The nearest State Responsibility Area (SRA) to the construction area is approximately 2.7 miles to the southeast of the Project site. Additionally, the construction site is approximately three miles from the nearest Very High classification of Fire Hazard Severity Zone (FHSZ). Therefore, further analysis of the Projects potential impacts to wildfire are not warranted. There would be no impacts.

3.21 CEQA Mandatory Findings of Significance

Table 3-32. Mandatory Findings of Significance

Mandatory Findings of Significance				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
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 considerable 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 which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.21.1 Impact Assessment

XXI-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?

a) Less than Significant Impact with Mitigation Incorporated: Based on the analysis conducted in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population/Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources and Utility/Services Systems would be less than significant. Potential impacts to Biological Resources and would be less than significant with implementation of mitigation measures BIO-1a, BIO-1b. Additionally, with implementation of the Best Management Practices for construction activities, the proposed Project's potential to degrade the quality of the environment, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a protected species or eliminate important examples of the major periods of California history or prehistory would be less than significant with implementation of the above noted mitigation measures.

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

b) Less Than Significant Impact: The City of Porterville is currently working to consolidate two other systems that are already receiving City water. Water capacity has already been addressed for these two systems. The consolidation of CMWC as well as the two other systems are not considered to be a cumulatively significant impact to the City. As discussed in section 3.10, the City has already addressed water capacity for these three systems. The proposed Project will not have impacts that are cumulatively considerable.

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

c) Less Than Significant Impact: The Proposed Project will not result in substantial adverse effects on human beings, either directly or indirectly. With implementation of Best Management Practices and general safety protocols during construction and maintenance of the Proposed Project, impacts will be less than significant.

Chapter 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Central Mutual Water Company New Water Service Project (Proposed Project) in Tulare County (County). The MMRP lists mitigation measures recommended in the IS/MND for the Proposed Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the Proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the County to ensure that individual mitigation measures have been complied with and monitored.

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
Mitigation Measure Bio-1a: Avoidance					
Bio-1: Take Avoidance survey. If feasible, the Project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31.	Prior to Construction and During Construction		CMWC	Survey Report	
Mitigation Measure Bio-2b: Pre-Construction Surveys and Buffers					
BIO-2a: Take Pre-Construction survey. If construction is to occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 14 days prior to the start of construction. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.	Prior to Construction		CMWC	Survey Report	

Appendix A

Air Quality and Greenhouse Gas Emissions Evaluation Report

Appendix B

Biological Evaluation Report

Appendix C

Cultural and Historical Resources Evaluation Report

C O N F I D E N T I A L

Appendix D

Tribal Consultation Letters