



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 20, 2023

Governor's Office of Planning & Research

**Jul 21 2023**

**STATE CLEARINGHOUSE**

Hector Guerra  
Tulare County Resource Management Agency  
5961 S. Mooney Blvd  
Visalia, California 93277  
hguerra@tularecounty.ca.gov

**Subject: Visalia Disposal Site Compost and Biomass Conversion Facility -  
Landfilling Operations (Project)  
Notice of Preparation (NOP)  
SCH No. 2021020054**

Dear Hector Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the Tulare County Resource Management Agency for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Tulare County c/o Solid Waste

**Objective:** The Tulare County Solid Waste Department intends to develop and operate a covered aerated static pile (CASP) compost facility to comply with the upcoming SB 1383 regulations. The compost facility will be located on the County's Visalia Landfill property that encompasses approximately 634 acres, of which the compost facility will occupy 36 acres, located in a soil borrow recessed approximately 20 feet below grade. The compost facility will be designed to accept up to 200,000 tons per year (TPY) in increments of 50,000 TPY technology modules and can store up to 200,000 cubic yards on-site of organic material that would have otherwise been landfilled. The compost facility would include installing processing and composting equipment, a 50,000 square foot processing building, compacted compost pads, and a lined pond. The proposed 2.0 mega-watt (MW) biomass conversion facility will produce electricity, heat and biochar using wood waste as fuel. The facility will utilize approximately 18,000 bone dry tons (BDT) of wood chips per year or 25,000 tons of per year of wet recovered wood waste. The facility is anticipated to produce approximately 20-30 MM BTU of waste heat and approximately 300-600 pounds of biochar per hour and operate 24/7. However, due to maintenance requirements for the equipment it is anticipated that the gas production equipment and internal combustion engine "gensets" will likely operate between 80-90% capacity (or approximately 7,000 and 8,000 hours per year).

**Location:** The proposed Project includes all unincorporated areas within the County of Tulare.

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**Timeframe:** n/a

## **COMMENTS AND RECOMMENDATIONS**

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

After reviewing the provided CEQA document, CDFW concurs with the biological resources related analyses and measures proposed in the NOP and recommends that all such measures in the NOP be carried forward into the Environmental Impact Report (EIR). CDFW has determined that the biological resource mitigation measures as currently documented in the NOP are sufficient for mitigation of potential project-related impacts to listed species. Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) was not acquired in advance of such actions. It is recommended to consult with CDFW before any ground disturbing activities commence and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

CDFW is available to meet with you ahead of draft EIR preparation to discuss potential impacts and possible mitigation measures for some or all the resources that may be analyzed in the EIR. If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at [Jaime.Marquez@wildlife.ca.gov](mailto:Jaime.Marquez@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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Gerald Hatler for Julie A. Vance  
Regional Manager

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