



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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February 14, 2024

Governor's Office of Planning & Research

Gary Mills
Tulare County Resource Management Agency
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Visalia, California, 93277
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Feb 14 2024
STATE CLEARINGHOUSE

**Subject: Visalia Disposal (Landfill) Site and Biogas and Compost Facility
(Project)
Subsequent Environmental Impact Report (SEIR)
SCH No. 2021020054**

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received a SEIR from the Tulare County Resource Management Agency (Tulare County RMA) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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. While the comment period has ended, CDFW respectfully requests that Tulare County RMA still consider our comments.

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

¹ 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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biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for 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 may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County c/o Solid Waste

Objective: This SEIR is tiering off of the adopted/certified Environmental Impact Report (EIR) (SCH No. 2021020054) for the Visalia Disposal (Landfill) Site and Biogas and Compost Facility ("Original EIR") project. The SEIR will address two proposed updates to the County's current landfill permit.

Currently, the Landfill is permitted to receive up to 2,000 tons of municipal waste per day and are just below that threshold. If the proposed compost facility generates additional new tonnage, the Tulare County risks being in violation of that permit. Therefore, the proposed project would increase permitted tonnage to 3,000 tons per day (tpd) to be split between the compost facility and the landfilling operations. The original permitted 2,000 tons will be used for solid waste disposal, and the maximum additional 1,000 tons would be used for the composting operation. It is anticipated that, over time, a maximum of 1,200 haul truck trips will be used to deliver landfill and compost material; 900 haul truck trips would deliver landfill material to the existing landfill and 300 haul truck trips would deliver compost material to the composting operation located within the Landfill's existing footprint.

The composting component 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 composting component would include installing processing and composting equipment, a 50,000-square foot processing building, compacted compost pads, and a lined pond.

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Project Location: The existing Landfill is located at 8614 Avenue 328 in the City of Visalia. The entire Landfill boundary currently encompasses approximately 634 acres at the northeast corner of Avenue 328 and Road 80.

Timeframe: N/A

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Tulare County RMA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

There are special-status species that may be present at the Project site that were not appropriately evaluated in the SEIR for this project (CDFW 2024). CDFW recommends that these resources be evaluated and addressed prior to any approvals that would allow ground-disturbing activities or land use changes. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State candidate endangered Crotch's bumblebee (*Bombus crotchii*).

In order to adequately assess any potential impact to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project area. Properly conducted protocol-level biological surveys, and the information assembled from them, are essential to identify any necessary avoidance measures to fully avoid any potential impacts to these species or the need for CESA take permits along with associated minimization and compensatory mitigation measures, and to identify any Project-related impacts under CEQA.

I. Environmental Setting and Related Impact

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 CDFW or the United States Fish and Wildlife Service (USFWS)?

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COMMENT 1: Crotch's Bumblebee

The SEIR does not include any evaluation for Crotch's bumblebee (CBB). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

COMMENT 2: Crotch's Bumblebee

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

COMMENT 3: Crotch's Bumblebee

If take cannot be avoided, CDFW recommends acquiring an Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

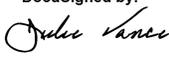
FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the Tulare County RMA in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). 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.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

cc: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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REFERENCES

- California Department of Fish and Wildlife. 2024. Biogeographic information and observation system. <https://www.wildlife.ca.gov/Data/BIOS>. Accessed February 7, 2024.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
- Hatfield, R., S. Jepsen, R. Thorp, L. Richardson, and S. Colla. 2015. *Bombus crotchii*. The International Union for Conservation of Nature red list of threatened Species. <https://www.iucnredlist.org/species/44937582/4644021.1>. Accessed February 7, 2024.
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

Attachment 1

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MEASURES**

**PROJECT: Visalia Disposal Site and Biogas and Compost Facility
SCH No.: 2021020054**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: CBB Habitat Assessment and Focused Surveys	
Mitigation Measure 3: CBB Take Authorization	
<i>During Construction</i>	
Mitigation Measure 2: CBB No-disturbance buffer	