COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY

5961 South Mooney Boulevard
Visalia, CA 93277

TULARE 40 GENERATION FACILITY PROJECT (PSP 23-012)

March 2023

Prepared by
County of Tulare Resource Management Agency
Economic Development and Planning Branch
Environmental Planning Division

INITIAL STUDY CHECKLIST

1. **Project Title:** Tulare 40 Generation Facility Project (PSP 23-012)

2. **Lead Agency:** County of Tulare
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

3. **Contact Persons:** Aaron Bock, Planning Director – 559-624-7000
Hector Guerra, Chief, Environmental Planning Division – 559-624-7121

4. **Project Location:** The proposed Project is in an unincorporated area of southern Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and is west of Road 164. The Project site is addressed as 16398 Avenue 208, Strathmore, CA. The Project will be located on two separate properties/locations. The northern Project development area is located approximately 0.50 miles north of the intersection of Avenue 208/Road 164. The southern development area is located south of the intersection Avenue 208/Road 164 (immediately adjacent to and south and west of the SCE Bliss substation). The site is located within the United States Geological Survey (USGS) Cairns Corner 7.5 Minute Quadrangle. It lies within Sections 23, 24, 25, & 26; Township 20 South; Range 25 East, MDB&M within APNs 196-020-012 (on 153 acres of the northern portion) and 196-030-004 (on approximately 160 acres of the southern portion).

5. **Applicant:** Coldwell Solar I, LLC
500 Menlo Dr. #100
Rocklin, CA, 95765

6. **Owner(s)** Cornell Kasbergen
21744 Road 152
Tulare, CA, 93724

Jay Vander Tuig
20127 Road 164
Strathmore, CA 93267

7. **General Plan Designation:** Valley Agricultural

8. **Zoning:** AE-20 (Exclusive Agriculture – 20 Acre Minimum)

9. **Description of Project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**. Coldwell Solar 1, LLC (Applicant) is proposing the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two (2) parcels totaling approximately 160 acres in western Tulare County, California. The Project site development area is located both north and south of Avenue 208, west of Road 164. The installation would comprise approximately 68,040 single axis mounted solar modules, rated at 650 watts per module. It should be noted that watts per module may increase at time of Project construction; however, for planning purposes we have included an approximate module output of 650 watts. In addition to the installation of photovoltaic (PV) solar modules, the proposed development area of the Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new very short distribution

interconnect power line to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

10. **Surrounding land uses and setting (Brief description):**
    North: irrigated row crops and rural agriculture;
    South: irrigated row crops and rural agriculture;
    East: irrigated row crops and rural agriculture;
    West: Grimmius Cattle feeder and cattle sheds for southern parcel; irrigated row crops and rural agriculture for northern parcel.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Regional Water Quality Control Board, San Joaquin Valley Unified Air Pollution Control District, other TBD.

12. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that include, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** Pursuant to AB 52, a Sacred Land File request was submitted to the Native American Heritage Commission on March 2, 2023, and was returned on March 20, 2023, with negative results. On March 2, 2023, tribal consultation notices were sent to 12 tribal contacts representing eight (8) Native American tribes. The 30-day period for tribes to request consultation is open as of the writing of this document. The County has received one (1) response, from the tribes within the 30-day response time. Mitigation measures have been included in the project to reduce potential impacts on tribal cultural resources in the unlikely event that any are unearthed during construction-related activities.

Figure 1
Regional Vicinity Map

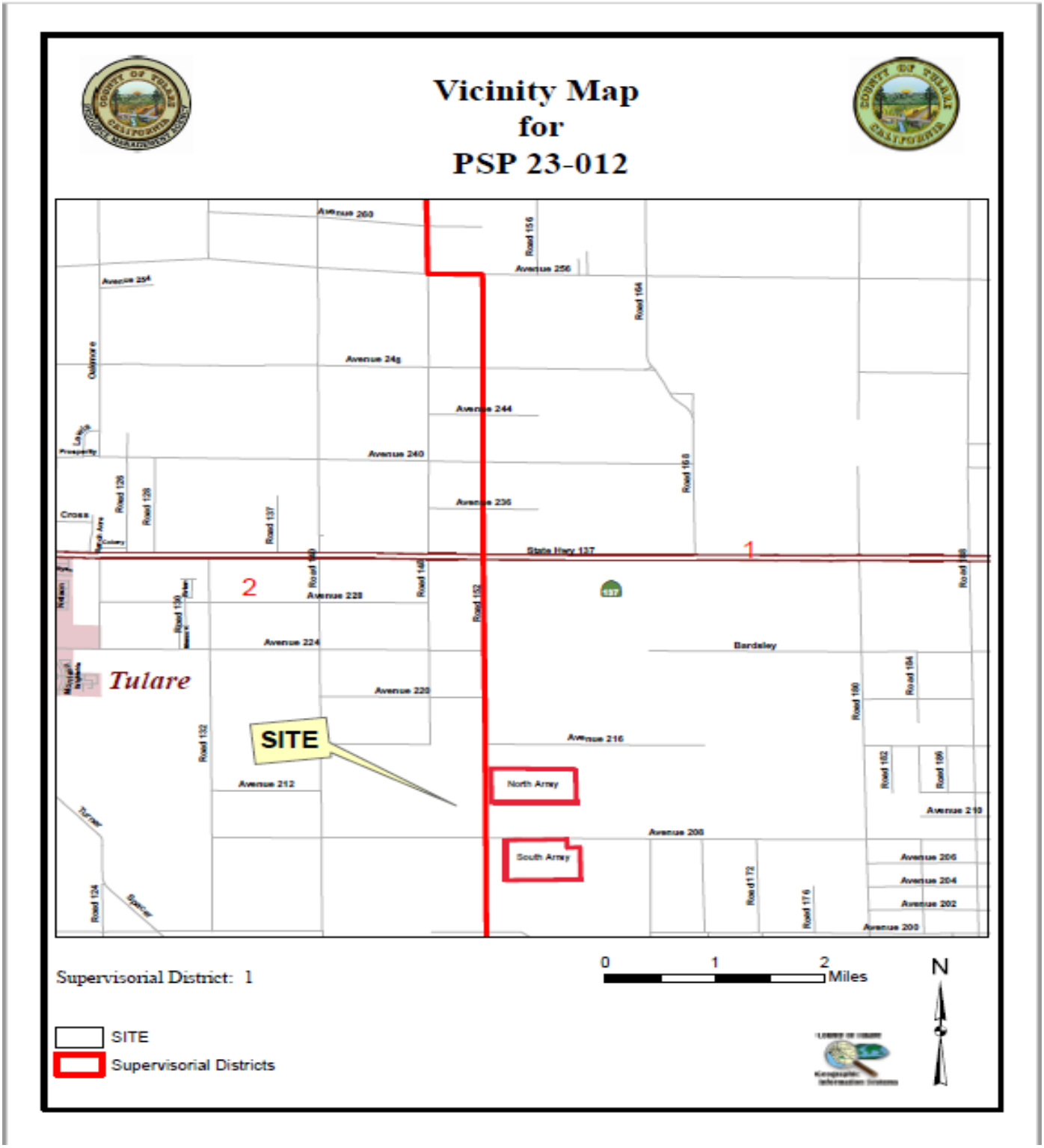


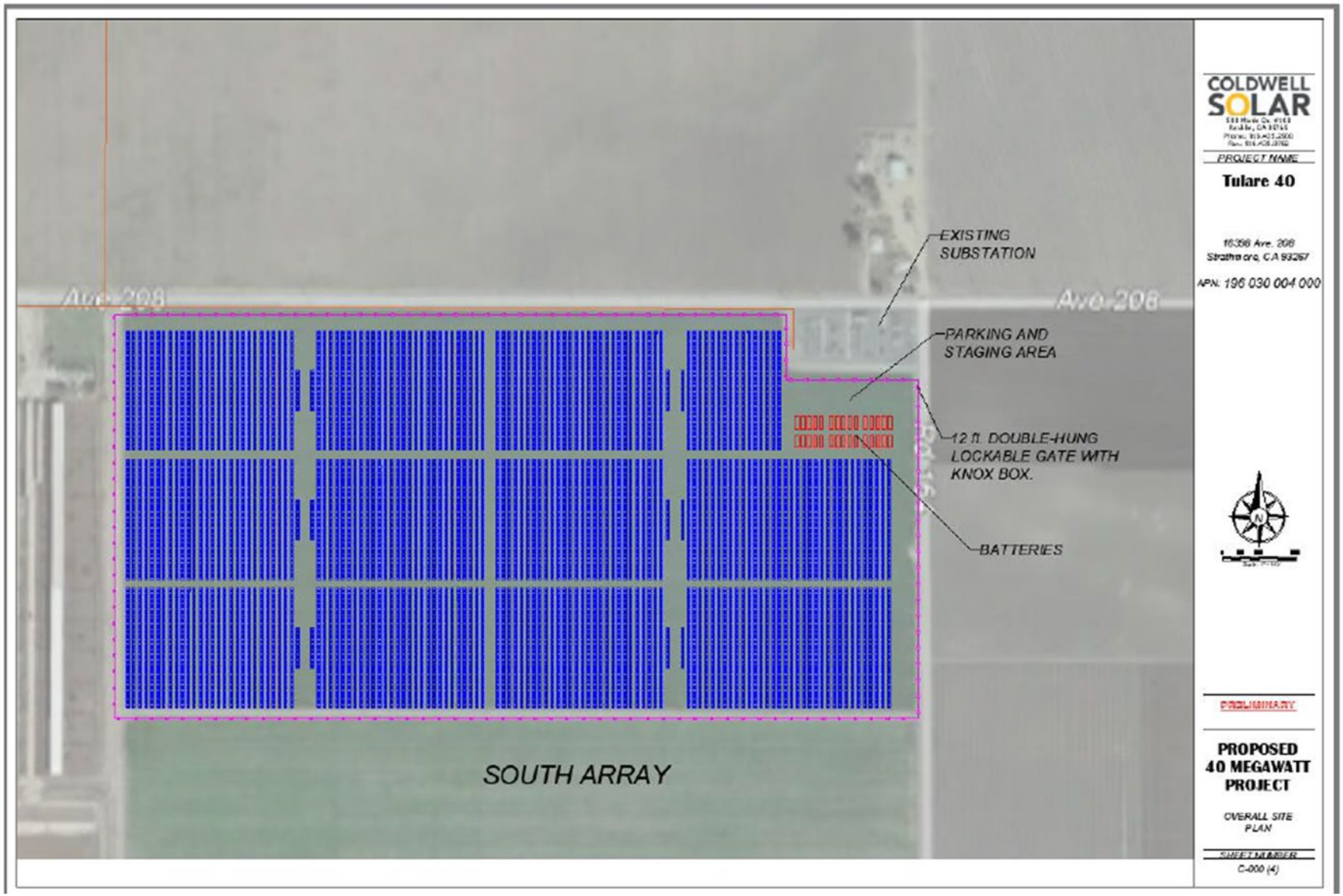
Figure 2
Local Vicinity Map

Figure 3
Location Map

Figure 4
Site Plan North and South Arrays

Figure 5
Site Plan North Array

Figure 6
South Array



A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

B. DETERMINATION

On the basis of this initial evaluation:

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

☒ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made 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.

Signature: _____ Date: 03/28/23

Hector Guerra — Printed Name
Chief Environmental Planner — Title

Signature: _____ Date: 3/28/23

Reed Schenke, P.E. — Printed Name
Environmental Assessment Officer — Title

C. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☒	☐

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Aesthetics, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

"Tulare County is located in a predominately agricultural region of central California. The terrain in the County varies, with flat agricultural areas in the western portion of the County that gradually transform to the foothills and the Sierra Nevada mountain range to the east. Many communities are small and rural, surrounded by agricultural uses such as row crops, orchards, and dairies. From several locations on major roads and highways throughout the County, electric towers and telephone poles are noticeable. Mature trees, development, utility structures, and other vertical forms are highly visible in the region because of the flat terrain. Although, where such vertical elements are absent, views are expansive. The prevailing colors in the County are the greens and browns associated with agricultural land use. Most new structures are small, usually one story in height, through occasionally two-story structures can be seen. Exceptions can be found in the downtown commercial areas of urban locations and in industrial agricultural complexes. Although the County provides a wide range of views from both mobile and stationary locations, a typical range of views is provided in Figures 3.1-3 through 3.1-6 [of the RDEIR]."[1]

The proposed Project site is located on the San Joaquin Valley floor in an unincorporated area approximately five (5) miles east of the City of Tulare and abuts Road 152 to the west. The aesthetic features of the existing visual environment in the Project area are relatively uniform, with broad, flat, agricultural setting landscapes. The Project site is located approximately 55 miles east of the Pacific Coast Range and approximately 12 miles west of foothills of the Sierra Nevada Mountain Range. Topographically, the Project site is flat (less than 2 percent slope across the site) with an average elevation of approximately 315 feet above mean sea level and has historically been used for grazing and irrigated row crop cultivation. The entire Project area is mapped by the Department of Conservation, Farmland Mapping and Monitoring Program with approximately 312 acres of "Farmland of Statewide Importance Prime" farmland (100 percent of the Project site) as rated by the Natural Resources Conservation Service (NRCS). Surrounding land is predominantly of similar rating for quality of agricultural land.

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160

[1] Tulare County 2030 General Plan. Recirculated Draft EIR (RDEIR). Page 3.1-11. Accessed February 2023 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf or generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf

acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Regulatory Setting

Federal

Aesthetic resources are protected by several federal regulations, none of which are relevant to this Project because it will not be located on lands administered by a federal agency nor is the Project applicant requesting federal funding or any federal permits.

State

Title 24 Outdoor Lighting Standards

"The 2019 Building Energy Efficiency Standards improve upon the 2016 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings whose permit applications are dated on or after January 1, 2020, must comply with the 2019 Standards. The California Energy Commission updates the standards every three years."[2] Title 24 Outdoor Lighting Standards were adopted by the State of California Energy Commission (Commission) (Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards) went into effect on January 1, 2020. The changes focus on "four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements."[3] "The significant changes for outdoor lighting systems in the 2019 update to the Energy Standards include:

- Changes to outdoor lighting power allowances with the allowance values based on LED lighting technologies. Revisions to the general hardscape lighting values in Tables 140.7-A and the specific lighting application values in Table 140.7-B for all Lighting Zones (LZ) – Lighting Zone 1 thru Lighting Zone 4.
- Add separate lighting power allowance values for concrete-surfaced and for asphalt-surfaced hardscape lighting application in Table 140.7-A.
- Add new lighting power allowances for narrow band spectrum light sources used in applications for minimizing outdoor lighting impacts on professional astronomy and nocturnal habitat. (Table 140.7-A)
- Revision and streamlining outdoor lighting control requirements. (§130.2(c))
- Healthcare facilities overseen by the California Office of Statewide Health Planning and Development (OSHPD) have to comply with the Energy Standards including the outdoor lighting requirements for all outdoor areas of healthcare facilities."[4]

Nighttime Sky/Outdoor Lighting Zones

"The basic premise of the Energy Standards is to base allowable outdoor lighting power on the brightness of the surrounding conditions. The Energy Standards contain lighting power allowances for new lighting installations and specific alterations that are dependent on the lighting zone in which the project is located.

Five categories of outdoor lighting zones are defined, and they are LZ0, LZ1, LZ2, LZ3 and LZ4. Lighting zones with lower numbers are darker from LZ0 which is in national parks and other areas intended to be very dark at night to LZ4 for high intensity nighttime use, such as entertainment or commercial districts or areas with special security considerations requiring very high light levels. The eyes adapt to darker surrounding conditions and less light is required to properly see; when the surrounding conditions get brighter, more light is needed to see."[5]

[2] California Energy Commission (CEC). Accessed February 2023 at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency

[3] CEC. Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. Accessed February 2023 at: https://www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first

[4] CEC. Outdoor Lighting – Overview. 6.1. Overview. What's new for the 2019 California Energy Code. Page 6-1Accessed February 2023 at: https://www.energy.ca.gov/sites/default/files/2020-05/06_OutdoorLighting.pdf

[5] Ibid. Outdoor Lighting Zones. 6-4.

"The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. Lighting Zone 0 is intended for undeveloped spaces in parks and wildlife preserves and is very low ambient illumination.

The following summarizes the default locations for outdoor lighting zones as specified in §10-114:

- Lighting Zone 0 areas are undeveloped areas of government designated parks, recreation areas, and wildlife preserves;
- Lighting Zone 1 areas are developed portions of government designated parks, recreation areas and wildlife preserves;
- Rural areas are Lighting Zone 2;
- Urban areas are Lighting Zone 3;
- Lighting Zone 4 is a special use district that may be created by a local government through application to the Energy Commission."[6]

California Scenic Highway Program

The California Scenic Highway Program was established by the state Legislature in 1963 for the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The state laws governing the scenic highways program are found in The Streets and Highways Code Sections 260-263.[7] In Tulare County, portions of State Routes 180, 190, and 198 are designated as state scenic highways.[8]

Local

Tulare County General Plan 2030 Update

The Tulare County General Plan Update 2030 Part 1: Goals and Policies Report (GPR) (August 2012) includes a number of goals and policies relating to scenic protection of County resources. The Goals and Policies Report Framework Concept No. 3 addresses Scenic Landscapes:

"The scenic landscapes in Tulare County will continue to be one of the County's most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent."[9]

The Tulare County General Plan 2030 Update: Chapter 7 – Scenic Landscapes, contains the following goals and policies that relate to aesthetics, preservation of scenic vistas and daytime lighting/nighttime glare and which have potential relevance to the Project's CEQA review: *SL-1.1 Natural Landscapes* which requires new development to not significantly impact or block views of Tulare County's natural landscapes*; SL-1.2 Working Landscapes* which requires 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; *SL-2.1 Designated Scenic Routes and Highways* which is intended to protect views of natural and working landscapes along the County's highways and roads by maintaining a designated system of County scenic routes and State scenic highways;.

"Tulare County's existing General Plan identifies State designated scenic highways and County designated eligible highways. There are three highway segments designated as eligible by the State. These include State Route 198 from Visalia to Three Rivers, State Route 190 from Porterville to Ponderosa, and State Route 180 extending through Federal land in the northern portion of Tulare County. State Route 198 closely follows around Lake Kaweah and the Kaweah River, while State Route 190 follows around Lake Success and the Tule River. Both Scenic Highways travel through agricultural areas of the valley floor to

[6] Op. Cit.

[7] California Department of Transportation (Caltrans). Scenic Highway Program. Frequently Asked Questions. Accessed February 2023 at: Scenic Highways - Frequently Asked Questions | Caltrans or https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2.

[8] County of Tulare. Tulare County General Plan 2030 Update. Goals and Policies Report. Designated Candidate Scenic and County Scenic Routes Figure 7-1. Page 7-5.Accessed February 2023 at: http://generalplan.co.tulare.ca.us/documents/GP/001Adopted%20Tulare%20County%20General%20Plan%20Materials/000General%20Plan%202030%20Part%20I%20and%20Part%20II/GENERAL%20PLAN%202012.pdf

[9] Ibid. C. Environment. Environmental Landscapes. Concept 1: Scenic Landscapes. C-1.

the foothills and the Sierra Nevada Range. Additionally, the General Plan Update identifies preserving the rural agricultural character of SR 99 and SR 63 as valuable to the County and communities."[10]

Project Impact Analysis:

a) Less Than Significant Impact: For the purposes of this proposed Project (Project), a scenic vista is defined as an area that is designated, signed, and accessible to the public for the purpose of viewing and sightseeing. The Project site is located on the floor of the San Joaquin Valley in generally undeveloped area on the floor of the San Joaquin Valley, with the exception of scattered dairies in the vicinity of the Project. The area surrounding the Project site is primarily rural agricultural land (i.e., active irrigated row crops, dairies, and scattered rural residences). Tulare County General Plan designates the Project site and surrounding land as Valley Agriculture, with the Project site and surrounding lands zoned Exclusive Agriculture, 20- or 40-acre Minimum (AE-20 and AE-40). The Project would be low-profile (that is, no building will be greater than 50' feet in height). Zoning height limitations would restrict structures to not more than 50 feet to the uppermost part of the roof. No parts of the Project would obstruct local scenic views, be visually intrusive or incompatible with the surrounding area, or be visible to large numbers of sensitive receptors. installation of solar modules with associated equipment and inverter stations, substation to support interconnection to SCE infrastructure, an energy storage component, access roads, lighting and fencing around the perimeter of each proposed development area, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent of the Project location at the SCE Bliss Substation. The developed area would occupy approximately 160 acres of the total 313 acres across two parcels. Approximately 153 acres would remain undeveloped with the option of the property owners to continue agricultural uses. No parts of the Project would obstruct local scenic views or be visually intrusive or incompatible with the surrounding area. There are no designated scenic vistas within visible distance of the Project site (County of Tulare, 2010). Therefore, the Project would have a less than significant impact on a scenic vista.

b) No Impact: There are no rock outcroppings, historic buildings, or other designated scenic resources within or near the Project site. The California Scenic Highway Program allows counties to nominate an eligible scenic highway to be approved by the California Department of Transportation and placed under the scenic corridor protection program. In Tulare County, there is currently one officially designated scenic highway, and two highways that are eligible for designation. Approximately two miles of the officially designated Scenic Highway (State Route) 180 passes through northern Tulare County, but this segment of SR 180 is approximately 40 miles north of the Project site. Additionally, there are two Candidate State Scenic Highways, SR 198 (beginning east of SR 99, approximately eight miles north), and SR 190, approximately 11 miles south of the Project site. As such, the Project is not located within the viewshed of any of the listed designated or eligible highway segments.

Additionally, the County of Tulare identified a number of County Scenic Roads in its 2012 General Plan 2030 Update; however, these roads are not near or within the vicinity of the Project site. As a result, the Project would have no impact on existing scenic resources or highways. As noted earlier, the Project is located in a relatively flat area and does not contain scenic resources such as significant trees, rock outcroppings, or historic buildings. Therefore, there would be no impact to an eligible or designated state scenic highway or other scenic resources as a result of the Project.

c) Less Than Significant Impact: As noted earlier, the Project site is located in an isolated, rural, predominantly agricultural area. The remoteness of the site, the absence of persons (there are only a few scattered, rural residences near the site), and the likely low average daily vehicle trips per day (based on the absence of traffic generating uses, for example, commercial, industrial, higher residential, etc.) do not avail the site to a significant number of opportunities for the site to result in an adverse impact to public views or vantage points viewing. As such, even though the Project location is in a non-urbanized area, it would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not conflict with applicable zoning and other regulations governing scenic quality resulting in no impact to this resource.

d) Less Than Significant Impact: As noted in Item a) of this resource, the applicant will install motion activated lighting which would be hooded and directed downward to minimize off-site light and glare. As such, the Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area resulting in a less than significant impact to this resource.

[10] Tulare County General Plan 2030 Update. August 2012. Recirculated Draft EIR. Page 3.1-11. Accessed in February 2023 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf

Cumulative Impact Analysis: **Less Than Significant Impact –** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR.

The Project will only contribute to cumulative impacts related to this Checklist Item if Project specific impacts were to occur. There are no designated scenic vistas on the Project site or within the Project vicinity. Although the Project will result in a change to the existing visual setting, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. As with the Project, other cumulative projects will be required to comply with Tulare County requirements (i.e., setbacks) to minimize potential visual impacts. The Project will not create a new source of substantial light or glare that will adversely affect day or nighttime views in the area. All lighting associated with the Project will be subject to County approval and compliance with Tulare County requirements. Therefore, a less than significant cumulative impact will occur related to aesthetics .

II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Significant Impact	Less Than Significant Impact With Mitigation	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 agriculture use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code 12220(g), timberland (as defined in Public Resource 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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Agriculture and Forest Resources, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

As the Project site is located in the San Joaquin Valley portion of Tulare County, this area is characterized by rich, highly productive farmland. Agriculture is the most important sector in Tulare County's economy, and agriculture and related

industries make Tulare County one of the two most productive agricultural counties in the United States, according to Tulare County Farm Bureau statistics.[11] "Agricultural lands (crop and commodity production and grazing) also provide the County's most visible source of open space lands. As such, the protection of agricultural lands and continued growth and production of agriculture industries is essential to all County residents."[12]

The *2021 Tulare County Annual Crop and Livestock Report* stated "Tulare County's total gross production value for 2021 is $8,089,621,300. This represents an increase of $949,544,800 or 13.3% above 2020's value of $7,140,076,500. Milk continues to be the leading agricultural commodity in Tulare County; with a gross value of $1,943,043,000, an increase of $76,347,000 or 4%. Milk represents 23% of the total crop and livestock value for 2021. Total milk production increased by 1%. Livestock and Poultry's gross value of $732,406,000 represents an increase of 9% above that of 2020, mostly due to the higher per unit value for both cattle and poultry. The total value of all Field Crop production in 2021 was $571,436,000, an increase of 13% from the previous year. This increase is mostly attributed to better yields and prices for several field crops. Fruit and Nut commodities were valued at $4,607,905,000 an increase of 20%. This increase can be partially attributed to the increase in Almond, Pistachio, and Tangerine acreage. Nursery Products increased by 9% compared to 2020 with an overall value of $118,779,000. Vegetable crops were valued at $20,544,000, representing a 22% decrease. This can be attributed to a decrease in acreage for Sweet Corn compared to 2020.

Tulare County's agricultural strength is based on the diversity of the crops produced. The 2021 crop report covers more than 150 different commodities, 42 of which have a gross value in excess of $1,000,000. Although individual commodities may experience difficulties from year to year, Tulare County continues to produce high-quality crops that provide food and fiber to more than 90 countries throughout the world."[13]

The most recent statewide California Farmland Conversion Report (CFCR) from the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) assesses statewide farmlands from the period 2014-2016. However, Tulare County specific data from the period 2014-2016 indicates that agricultural lands in Tulare County in 2014 included 859,171 acres of important farmland (designated as FMMP Prime, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance) and 439,961 acres of grazing land, for a total of 1,299,132 acres of agricultural land.[14]

Table 2-1[15]
2014 Tulare County Lands under Williamson Act or Farmland Security Zone Contracts

Acres	Category
565,190	Total prime = Prime active + NR Prime
505,645	Total Nonprime = Nonprime active + NR Prime
11,101	Farmland Security Zone
1,081,936	TOTAL ACRES in Williamson Act and Farmland Security Zone contracts

Farmlands of Statewide Importance are defined as "lands 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."[16]

Important Farmland Trends

Using data collected by the FMMP, farmland acreage has been consistently decreasing for each two-year period since 1998[17]. In the 2010 FMMP analysis, Tulare County lost 17,502 acres of Farmland of Statewide Importance, and 17,748 acres of Farmland of Local Importance between 2008 and 2010; 13,815 acres of Farmland of Statewide Importance, and 14,216 acres

[11] Tulare County Farm Bureau, "Agricultural Facts," Accessed February 2023 at: http://www.tulcofb.org/index.php?page=agfacts

[12] Tulare County General Plan 2030 Update. February 2023. Page 3-4.

[13] 2021 Tulare County Annual Crop and Livestock Report. September 2021. Cover letter from Tom Tucker, Agricultural Commissioner. Accessed February 2023 at: https://agcomm.co.tulare.ca.us/pest-exclusion-standardization/crop-reports1/crop-reports-2021-2030/crop-and-livestock-report-2021/

[14] California Department of Conservation (CA DOC). Division of Land Resource Protection. Farmland Mapping and Monitoring Program, *Table 2014-2016. Table A-44, Part I.* Accessed February 2023 at: http://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx. *The California Farmland Conversion Report 2014-2016* Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/2014-2016_Farmland_Conversion_Report.aspx.

[15] Ibid.

[16] Ibid.

[17] CA DOC. Division of Land Resource Protection. "Williamson Act Status Report (2010)". Page 14. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/wa/Pages/stats_reports.aspx.

of Farmland of Local Importance between 2010 and 2012; and 17,441 acres of Farmland of Statewide Importance, and 17,678 acres of Farmland of Local Importance between 2012 and 2014.[18] However, as recent as 2014-2016, Tulare County gained 1,469 acres of Farmland of Statewide Importance, but also lost 2,513 acres of Farmland of Local Importance.[19] Between 2016 and 2018, the county lost 106 acres of Farmland of Statewide Importance while overall gaining 94 acres across all agricultural land.[20] **Table 2-2** summarizes Farmland Category acreage between 2000-2018.

Table 2-2
Tulare County FMMP-Designated Land (2000-2018)

Farmland Category	**Total Acres Inventoried**								
	2000[21]	**2002**[22]	**2004**[23]	**2006**[24]	**2010**[25]	**2012**[26]	**2014**[27]	**2016**[28]	**2018**[29]
Prime Farmland	393,030	387,620	384,340	379,760	370,249	368,527	366,414	366,136	365,943
Farmland of Statewide Importance	351,720	345,760	339,580	332,160	323,599	321,296	320,886	322,355	326,476
Unique Farmland	11,720	12,750	12,530	12,220	11,593	11,474	11,421	11,691	11,812
Important Farmland Subtotal	**756,470**	**746,130**	**736,450**	**724,140**	**705,441**	**701,297**	**859,171**	**858,119**	**858,013**
Farmland of Local Importance	124,140	126,820	137,440	143,830	154,550	158,823	160,450	157,937	Not Available
Grazing Land	434,050	440,550	440,620	440,140	440,042	439,940	439,961	439,934	440,213
Total	1,314,660	1,313,500	1,314,560	1,308,110	1,300,033	1,300,060	1,299,132	1,298,053	1,298,226

[18] CA DOC. Tulare County Land Use Conversion Tables 2008-2010, 2010-2012, 2012-2014, and 2014-2016. Table A-44, Part III. Accessed February 2023 at: http://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx.

[19] CA DOC. Tulare County Land Use Conversion Tables 2014-2016. Table A-44, Part I. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx..

[20] CA DOC. Tulare County Land Use Conversion Tables 2016-2018. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx.

[21] Ibid.

[22] Op. Cit.

[23] Op. Cit.

[24] Op. Cit.

[25] Tulare County Resource Management Agency. Tulare County Subvention Report for Fiscal Year 2012-2013 (submitted to Department of Conservation, November 2012).

[26] Ibid.

[27] California Department of Conservation, Division of Land Resource Protection. Farmland Mapping and Monitoring Program, *Table 2014-2016. Table A-44, Part I.* Accessed February 2023at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx.

[28] Ibid.

[29] California Department of Conservation, Division of Land Resource Protection. Farmland Mapping and Monitoring Program. Table A-44, Part I. 2016-2018 Land Use Conversion. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Tulare.aspx.

Table 2-3 shows soil information for both the Northern and Southern parcels of the Project site.

TABLE 2-3
SOIL INFORMATION FOR PROJECT SITE

Map Unit Symbol	Map Unit Name	Non-Irrigated Capability Class	Acreage/Site Percentage
132	Quonal-Lewis, 0 to 2% slopes	6s	100%

Source: USDA/NRCS 2020 accessed at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx or Web Soil Survey (usda.gov)

The Quonal series consists of deep to a duripan, moderately well drained soils. Quonal soils are on terraces and formed in alluvium derived from the chemically and mechanically reclaimed remnants of the Lewis series (Fine, smectitic, thermic Natric Durixeralfs) which originally formed in alluvium from mixed rock sources. The soil commonly contains a duripan. The original duripan has been mechanically removed to a depth of at least 40 inches and has been partially altered by the addition of farm chemicals and irrigation water. Quonal soils are moderately well drained; runoff is medium or high; and permeability is slow above the duripan and very slow in the duripan. Flooding is rare. Slopes range from 0 to 2 percent. The mean annual precipitation is about 10 inches and the mean annual air temperature is about 63 degrees F. This soil is used for irrigated cropland growing cotton, alfalfa, corn silage and wheat. It is also used for dairy and cattle production and building site development.[30]

Forest Lands

"Timberlands that are available for harvesting are located in the eastern portion of Tulare County in the Sequoia National Forest. Hardwoods found in the Sequoia National Forest are occasionally harvested for fuel wood, in addition to use for timber production. Since most of the timberlands are located in Sequoia National Forest, the U.S. Forest Service has principal jurisdiction, which encompasses over 3 million acres. The U.S. Forest Service leases these federal lands for timber harvests."[31]

As the Project is located on the Valley floor, there is no timberland or forest in the Project vicinity.

Regulatory Setting

Federal

Federal regulations for agriculture and forest resources are not relevant to this project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or any federal permits).

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 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 serves as a tool to analyze agricultural land use and land use changes throughout California. As such, this Project is being evaluated using the FMMP pursuant to CEQA.

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program

The California Department of Conservation (DOC) applies the Natural Resources Conservation Service (NRCS) soil classifications to identify agricultural lands. These agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM). As noted earlier the FMMP was established in 1982 to assess the location, quality and

[30] USDA. Official Series Description - Quonal Series. Accessed February 2023 at:https://soilseriesdesc.sc.egov.usda.gov/OSD_Docs/Q/QUONAL.html or Official Series Description - QUONAL Series (usda.gov).

[31] Ibid. 4-20.

quantity of agricultural lands, and the conversion of these lands. The FMMP serves as tool to analyze agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The following list provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are referred to as Farmland.[32]

- Prime Farmland. Farmland that has 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.
- Farmland of Statewide Importance. 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. 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 groves 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. Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- Grazing Land. Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- Urban and Builtup Land. 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. 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 and 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.

California Land Conservation Act (Williamson Act)

The Williamson Act, also known as the California Land Conservation Act of 1965, 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 use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Department of Conservation assists all levels of government, and landowners in the interpretation of the Williamson Act related government code. The Department also researches, publishes and disseminates information regarding the policies, purposes, procedures, and administration of the Williamson Act according to government code. Participating counties and cities are required to establish their own rules and regulations regarding implementation of the Act within their jurisdiction. These rules include but are not limited to: enrollment guidelines, acreage minimums, enforcement procedures, allowable uses, and compatible uses.[33]

Williamson Act Contracts are formed between a county or city and a landowner for the purpose of restricting specific parcels of land to agricultural or related open space use. Private land within locally-designated agricultural preserve areas are eligible for enrollment under a contract. The minimum term for contracts is ten years. However, since the contract term automatically renews on each anniversary date of the contract, the actual term is essentially indefinite. Landowners receive substantially reduced property tax assessments in return for enrollment under a Williamson Act contract. Property tax assessments of Williamson Act contracted land are based upon generated income as opposed to potential market value of the property.[34]

Forestry Resources

[32] California Department of Conservation. FMMP – Important Farmland Map Categories. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx

[33] California Department of Conservation. Williamson Act Program. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/wa.

[34] California Department of Conservation. Williamson Act Contracts. Accessed February 2023 at: https://www.conservation.ca.gov/dlrp/wa/Pages/contracts.aspx.

State regulations regarding forestry resources are not relevant to the Project because no forestry resources exist at the Project site.

Local

County of Tulare

On February 26, 2013, per Resolution No. 2013-0104, Tulare County adopted a two-level review process for evaluating the siting of public and private utility structures on agricultural zoned land to analyze potential agricultural conversion impacts. The first level of review pertains to all agricultural zoned lands, while the second level applies to lands under Williamson Act contract. Level II states that a project should adhere to all the criteria noted in Level I.

Level I: Agricultural Zoned Lands

a) Public and private utility structures on lands other than irrigated prime farmland, as defined in Level 1, Section C, may be permitted subject to findings and conditions. Desired locations include marginal or impaired lands, land with insufficient water supplies for viable agricultural production or in the UDB, UAB, HOB areas of the County for agricultural buffers. The Project is consistent with the "other than irrigated prime farmland" criterion because the 313 acres (100%) of the Project sites historically mapped as Farmland of Statewide Importance will not be permanently removed as agricultural acreage, it is being re-purposed for an anticipated 35-year timeframe thereby preserving the land for future cropland use.

b) Should be in proximity to the electrical grid/corridor/electrical substation or end user. The Project will establish a new distribution interconnect power line (on existing poles) along public road rights of way to the existing substation located approximately one (1) linear mile in total length contained mostly within the Project's parcels north of and adjacent to the Southern California Edison (SCE) Bliss Substation.

c) Should not support, unless a unique proposal is approved by the Board of Supervisors, the siting of public and private solar utility structures located outside of UDB, UAB, HOB areas of the County on irrigated prime farmland as defined by any of the following criteria:

   i. Identified as Prime farmland by the FMMP. As noted above, 100 percent of the entire Project site's approximately 313 acres is considered Farmland of Statewide Importance as rated by the Natural Resources Conservation Service (NRCS).

   ii. Identified as Class I Soil by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). The Project site is classified to be Farmland of Statewide Importance for its approximately 313 acres of the entire sire; although only 160 acres will be developed for the Project with the remain 153 acres would remain undeveloped with the option for the property owner to continue agricultural uses.[35]. The NRCS Non-Irrigated Land Capability Classification System evaluates the suitability of soils for most types of field crops. Soils are then grouped in capability classes that describe the limitations that the soil class might present for crop cultivation. The Class groups are numbered from 1 through 8 (USDA/NRCS, 2018). The capability classes of the soil type of the Project site is presented in **Table 2-3**. Although the Quonal-Lewis soil (which make up 100% of the soils within the Project site) are rated as "Farmland of Statewide Importance" by the NRCS, this classification only applies if the area is irrigated and either protected from flooding or not frequently flooded during the growing season. If left un-irrigated, the soil is not considered as Prime Farmland.

   As noted earlier, the Project sites are both rated as Class 6 soil that have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangelands, forestland, or wildlife habitat. Further, as both Project sites are also within subclass "s", this indicates that the soil is limited mainly because it is shallow, droughty, or stony.[36]

[35] Revised Project and Operations Description for the Proposed Tulare 40 Project Unincorporated Portion of Tulare, California (APN 196-030-004, APN 196-020-012). Table 1 Parcel Size. February 2023. Page 5. Prepared by Solar Land Partners, Inc., for Coldwell Solar 1, LLC. See Attachment "E" of this IS/MND.

[36] USDA. NRCS 2020 Web Soil Survey. Quonal-Lewis association soil. Irrigated Capability Class and Subclass descriptions. Accessed February 2023 at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx or Web Soil Survey (usda.gov).

iii. Land having been actively farmed in permanent crops at least one year during the past ten years. The land has been planted to row crops. Therefore, solar development of the site does not require removal of any permanent crops (such as orchards or vineyards)

d) Should not support the removal of permanent crops when there is sufficient water available for continued crop production on lands outside of UDB, UAB and HOB areas of the County regardless of soil capability classification. As noted earlier, the Project site has been planted to row crops and would not result in the removal of permanent crops. Further, the Applicant estimates that 24,000 to 48,000 gallons per year would be used to wash solar panels.[37] This amount represents less water per year than row crops would use as one-acre foot of water is 325,851.427 gallons and the Project would use an estimated between 7.3% to 14.7% of an acre-foot to be used by the Project rather than irrigating the 160 acres (or approximately 52,136,228.32 gallons if irrigated at 1-acre foot per acre).

e) Identify sources of water not limited to well, irrigation canal, water transfer and conduct water availability analysis demonstrating either (1) the insufficiency of adequate water supplies for continued crop production, or (2) the infeasibility of continued agricultural activities on the subject property. This analysis must include input from the water district, or other water authority. The Project is not supplied by, or located within, any urban water management planning area. Nor is it located within any agricultural or urban water districts, or other public or private utilities that deliver water to the end user. The Project would import water via trucks to supply water as necessary (that is, to supply watering trucks used to minimize dust during construction-related activities and for solar panel washing approximately two times per year).

f) Analyze the potential negative impacts on neighboring farming operations and mitigate for those impacts including, but not limited, to increases in invertebrate and vertebrate pest and invasive plant species. The Mitigation Monitoring Reporting Program (MMRP, included in Attachment "D" of this document) will mitigate potential negative impacts as identified in this Initial Study. Also, conditions of approval will require removal of combustible material from the site; the submission of a soil reclamation plan; fencing; dust management; on-site parking; etc. These measures will ensure impacts on neighboring farm operations will be less-than-significant. Therefore, the Project is consistent with the "neighboring farming operations" criterion.

g) Should not impede or reduce the productive agricultural capacity of the land for future uses. Thus, reclamation of the land to its previous agricultural condition is crucial and appropriate financial assurances are essential. The proposed solar facility represents a conversion of farmland with a life of approximately 35 years. It is unknown at this time if the solar facility may extend beyond 35 years. As a condition of approval, a Reclamation Plan would be submitted as a part of the permit application materials. This Reclamation Plan would provide financial assurances along with a detailed plan to remediate soils and return the land to its original pre-construction condition upon termination of the Project.

As described in the Project Description, the life of the Project is 35 years. The Applicant would finalize and submit to the County for approval, a Decommissioning and Reclamation Plan, and attendant bond. The Decommissioning and Reclamation Plan would include the methods for removing all solar panels, demolishing and removing all support racks and structures, and removal of all infrastructure (road, foundations), that is assured according to the lease agreement with the property owner and through the agreement on and posting of a reclamation bond with the County.[38]

The Project site would be leveled where needed and the onsite soil would be reclaimed to a condition that would again support agriculture. The Decommissioning and Reclamation Plan would include a summary of specific measures to restore the soil to its pre-Project condition, including removal of all fixtures, equipment, non-agricultural roads, and restoration of compacted soil. Reclamation would be completed within 120 days of the expiration of the County special use permit. The modules and ancillary materials would be sold and reused or recycled to minimize impact on the environment.[39]

[37] Revised Project and Operations Description for the Proposed Tulare 40 Project Unincorporated Portion of Tulare, California (APN 196-030-004, APN 196-020-012). 3.6 Project Site Reclamation. February 2023. Page 10. Prepared by Solar Land Partners, Inc., for Coldwell Solar 1, LLC. See Attachment "E" of this IS/MND.

[38] Ibid. 11.

[39] Op. Cit. 11.

At the time of re-use, the zoning/land use designations will be used to determine the Project site's highest and best use. As a result, the Project would result in a less than significant impact on this item.

h) Require developer agreements that include cost recovery, loss of crop production and/or subvention funds, removal of facility and reclamation requirements, and other Tulare County financial incentives. A condition of approval will require the Project proponent to enter into the "Developer Agreement and Reclamation Plan for the Solar Photovoltaic Electric Generating Facility", adopted on August 31, 2010 by Board of Supervisors Resolution 2010-0717. Therefore, the Project is consistent with the "developer agreement" criterion.

i) Require Sales and Use Tax Agreements to maximize capture of sales and use tax revenue. A condition of approval will require the Project proponent to enter into the "Agreement for Allocation of Sales and Use Tax Revenues and Limitations on Transfer of the Project to Nontaxable or Tax Exempt Entities", adopted by the Board of Supervisors on February 28, 2012 by Resolution 2012-0187. Therefore, the Project is consistent with the "Sales and Use Tax Agreements" criterion.

Level II: Agricultural Zoned Lands Under Williamson Act Contracts

a) Adhere to all criteria noted in Level I to be completed. Please see above.

b) Review Resolution No. 89-1275 - Uniform Rules for Agricultural Preserves - and Resolution No. 99-0620 establishing Rules for Farmland Security Zones to insure compatibility. The Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract. Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract with Resolution No 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits.

c) Review Williamson Act Contract Contents to insure compatibility. Williamson Act – Land Conservation Contracts Nos. 3528 and 3529 were recorded February 2, 1970 (Box 2879, Pages 227 and 232, respectively). The Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract. Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract with Resolution No 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits. The Project is therefore compatible with the Williamson Act contracts applicable to the Project site.

Project Impact Analysis:

a) Less Than Significant Impact: As noted earlier, the Tulare County Board of Supervisors (Board) approved Resolution No. 2013-0104 on February 26, 2013, whereby Tulare County adopted a two-level review process for evaluating the siting of public and private utility structures on agricultural zoned land to analyze potential agricultural conversion impacts. As indicated above, the proposed Project is consistent with the Board adopted resolutions. As such, the Project would not result in the Conversion of 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. Upon ultimate decommissioning of the site, it will be reclaimed to the extent that agricultural production may be re-initiated. Implementation of the site's Reclamation Plan would result in a less than significant impact to this resource.

b) Less Than Impact: The Project site is currently zoned AE-20 (Exclusive Agriculture- 20 acre minimum). Additionally, the two Project site parcels are under Williamson Act Contract. The Williamson Act enables local governments to enter into contracts with private landowners that restrict land use to agricultural or related uses in return for lower property tax assessments. Local governments are responsible for the implementation of this program; therefore, the rules that determine compatible uses within a contract vary by jurisdiction. As noted earlier, The Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use.

Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract. Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract with Resolution No 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits.

Resolutions 2010-0717 and 2013-0104 subsequently created a two-level process through which solar facility projects can be found as a compatible use on Williamson Act Contracted lands. This allows impaired agricultural lands to be put to the highest and best use without cancelling the Williamson Act Contract, therefore preserving the option to return to farming the land in the future. Pending the approval of the Special Use Permit for the Project and the approval of findings of compatibility under the Williamson Act, the Project would present a temporary change in land use that has been found to be compatible with the terms of the existing Williamson Act contract on the Project site. Therefore, the Project would not conflict with existing zoning or a Williamson Act Contract and no impact would occur.

c) and d) No Impact: The Project will not occur on land zoned as forest land or timberland, or result in a loss of forest land. As such, the Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources code 12220(g), timberland (as defined in Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). There is no impact.

e) No Impact: The Project site is not located near land zoned as forest land or timberland and therefore would not result in any changes in the environment that might convert forest land to non-forest land. The Project would result in the use of approximately 313 acres of farmland although only 160 acres will be developed for the Project to a non-agricultural use for approximately 35 years. However, as discussed earlier, this conversion is planned as temporary and in accordance with existing land use policies and regulations. Land surrounding the Project site is predominantly agriculturally productive lands, dairies, and scattered rural residences. As discussed in the Project Description (see Attachment "E"), construction-, operation-, maintenance-, and decommissioning-related activities would take place within Project site boundaries. The Project is not anticipated to involve changes to the environment that would vary from impacts to the environment originating from agricultural production. Additionally, during construction- and decommissioning-related activities, Best Management Practices such as erosion prevention measures and dust-minimization measures (including those required by the San Joaquin Valley Air Pollution Control District) would be employed to limit the impact of the Project on adjacent properties. Maintenance activities during Project operation would be minimal and limited to maintenance of facility components and washing the panels periodically. Therefore, no other changes to the environment are anticipated that could result in the conversion of farmland to non-farmland. There would be no impact on this item.

Cumulative Impact Analysis: Less Than Significant Impact

The geographic area of this cumulative analysis is the entire State of California. This cumulative analysis is based on provisions of the California Land Conservation Act of 1965 (Williamson Act) and on Tulare County allowed uses in agricultural zones.

As indicated above, this Project is consistent with the Board adopted resolutions. As such, the Project would not result in the Conversion of 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. As noted earlier, the Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract; Via Resolution No 2010-0717, Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract; while via Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits. The Project will not occur on land zoned as forest land or timberland or result in a loss of forest land. As such, the Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. Lastly, no other changes to the environment are anticipated that could result in the conversion of farmland to non-farmland.

III. 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.	Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result is other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Air Quality Resource, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and the Tulare County General Plan 2030 Update EIR are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The proposed Project is located in the San Joaquin Valley Air Basin (SJVAB), a continuous inter-mountain air basin. The Sierra Nevada Mountain Range forms the eastern boundary; the Coast Range forms the western boundary; and the Tehachapi Mountains form the southern boundary. These topographic features restrict air movement through and beyond the SJVAB. The SJVAB is comprised of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties and the valley portion of Kern County; it is approximately 25,000 square miles in area. Tulare County lies within the southern portion of the SJVAB. Air resources in the SJVAB is managed by the San Joaquin Valley Unified Air Pollution Control District (Air District, District, or SJVAPCD).

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Ambient Air Quality Standards

Both the federal government through the United State Environmental Protection Agency (EPA), and the State of California through the California Air Resources Board (CARB or ARB), have established health-based ambient air quality standards (AAQS) for six air pollutants, commonly referred to as "criteria pollutants." The six criteria pollutants are: carbon monoxide (CO), ozone (O3), sulfur dioxide (SO2), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5), and lead (Pb). The National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) were developed independently with differing purposes and methods, although both processes are intended to avoid health-related effects. As a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent. NAAQS and CAAQS are provided in **Table 3-1**.

Table 3-1 State and Federal Ambient Air Quality Standards[40]				
Pollutant	Averaging Time	California Standards	National Standards	
			Primary	Secondary
Ozone (O_3)	1-hour	0.09 ppm (180 µg/m^3)	---	Same as Primary
	8-hour	0.070 ppm (137 µg/m^3)	0.070 ppm (137 µg/m^3)	
Respirable Particulate Matter (PM_{10})	24-hour	50 µg/m^3	150 µg/m^3	Same as Primary
	Annual Arithmetic Mean	20 µg/m^3	---	
Fine Particulate Matter ($PM_{2.5}$)	24-hour	---	35 µg/m^3	Same as Primary
	Annual Arithmetic Mean	12 µg/m^3	12 µg/m^3	15 µg/m^3
Carbon Monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	---
	8-hour	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	---
Nitrogen Dioxide (NO_2)	1-hour	0.18 ppm (339 µg/m^3)	100 ppb (188 µg/m^3)	Same as Primary
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	
Sulfur Dioxide (SO_2)	1-hour	0.25 ppm (655 µg/m^3)	75 ppb (196 µg/m^3)	---
	3-hour	---	---	0.5 ppm (1300 µg/m^3)
	24-hour	0.04 ppm (105 µg/m^3)	0.14 ppm (certain areas)	---
	Annual Arithmetic Mean	---	0.030 ppm (certain areas)	---
Lead (Pb)	30-day Average	1.5 µg/m^3	---	---
	Calendar Quarter	---	1.5 µg/m^3 (certain areas)	Same as Primary
	Rolling 3-month Average	---	0.15 µg/m^3	
Visibility Reducing Particles	8-hour	instrumental equivalents "extinction of 0.23 per kilometer"	No National Standards	
Sulfates	24-hour	25 µg/m^3		
Hydrogen Sulfide (H_2S)	1-hour	0.03 ppm (42 µg/m^3)		
Vinyl Chloride	24-hour	0.01 ppm (26 µg/m^3)		

Attainment Status

Air basins are designated as attainment or nonattainment for both federal and state AAQS. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

The SJVAB is considered to be in attainment for federal and state air quality standards for carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2); attainment for federal and non-attainment for state air quality standards for respirable particulate matter (PM_{10}); and non-attainment of state and federal air quality standards for ozone (O_3) and fine particulate matter ($PM_{2.5}$). Attainment status for listed federal and state criteria pollutant standards in the SJVAB can be found in **Table 3-2**.

[40] California Air Resources Board. Ambient Air Quality Standards. Accessed March 2023 at: https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf.

Table 3-2 SJVAB Attainment Status[41]		
Pollutant	**Designation/Classification**	
	Federal Standards	**State Standards**
Ozone – one hour	No Federal Standard[1]	Nonattainment/Severe
Ozone – eight hour	Nonattainment/Extreme[2]	Nonattainment
PM_{10}	Attainment[3]	Nonattainment
$PM_{2.5}$	Nonattainment[4]	Nonattainment
CO	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Vinyl Chloride	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified

1 Effective June 15, 2005, the U.S. EPA revoked the federal 1-hour ozone standard, including associated designations and classifications. However, EPA had previously classified the SJVAB as extreme nonattainment for this standard. Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

2 Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010)

3 On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM_{10} National Ambient Air Quality Standard (NAAQS) and approved the PM_{10} Maintenance Plan.

4 The Valley is designated nonattainment for the 1997 $PM_{2.5}$ NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).

Criteria Pollutants Assessed

The following criteria air pollutants were assessed in the Technical Memo (included in Attachment "A" of this document): reactive organic gases (ROG), oxides of nitrogen (NOx), carbon monoxide (CO), sulfur dioxide (SO_2), particulate matter less than 10 microns in diameter (PM10), and particulate matter less than 2.5 microns in diameter (PM2.5). Note that the Project would emit ozone precursors ROG and NOx. However, the Project would not directly emit ozone since it is formed in the atmosphere during the photochemical reaction of ozone precursors. General descriptions and most relevant effects from pollutant exposure of the criteria pollutants of concern are listed in **Table 3-3**.

Table 3-3 Descriptions of Criteria Pollutants of Concern[42]			
Criteria Pollutant	**Physical Description and Properties**	**Sources**	**Most Relevant Effects from Pollutant Exposure**
Ozone	Ozone is a photochemical pollutant as it is not emitted directly into the atmosphere, but is formed by a complex series of chemical reactions between volatile organic compounds (VOC), nitrous oxides (NO_X), and sunlight. Ozone is a regional pollutant that is generated over a large area and	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (VOC and NO_X) are mobile sources (on-road and off-road vehicle exhaust).	Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk; vegetation

[41] San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. Accessed March 2023 at: http://www.valleyair.org/aqinfo/attainment.htm.

[42] U.S. Environmental Protection Agency (EPA). Criteria Air Pollutants. Accessed March at: https://www.epa.gov/criteria-air-pollutants.

Table 3-3 Descriptions of Criteria Pollutants of Concern[42]			
Criteria Pollutant	**Physical Description and Properties**	**Sources**	**Most Relevant Effects from Pollutant Exposure**
	is transported and spread by the wind.		and property damage.
Particulate matter (PM_{10}) Particulate matter ($PM_{2.5}$)	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter, (one micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Nitrogen dioxide (NO_2)	During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides—NO_X (NO, NO_2, NO_3, N_2O, N_2O_3, N_2O_4, and N_2O_5). NO_X is a precursor to ozone, PM_{10}, and $PM_{2.5}$ formation. NO_X can react with compounds to form nitric acid and related small particles and result in particulate matter (PM) related health effects.	NO_X is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. Nitrogen dioxide forms quickly from NO_X emissions. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contributions to atmospheric discoloration; increased visits to hospital for respiratory illnesses.
Carbon monoxide (CO)	CO is a colorless, odorless, toxic gas. CO is somewhat soluble in water; therefore, rainfall and fog can suppress CO conditions. CO enters the body through the lungs, dissolves in the blood, replaces oxygen as an attachment to hemoglobin, and reduces available oxygen in the blood.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes (metals processing and chemical manufacturing), residential wood burning, and natural sources.	Ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
Sulfur dioxide (SO_2)	Sulfur dioxide is a colorless, pungent gas. At levels greater than 0.5 parts per million (ppm), the gas has a strong odor, similar to rotten eggs. Sulfur oxides (SO_X) include sulfur dioxide and sulfur trioxide. Sulfuric acid is formed from sulfur dioxide, which can lead to acid deposition and can harm natural resources and materials. Although sulfur dioxide concentrations have been reduced to levels well below state and federal standards, further reductions are desirable because sulfur dioxide is a precursor to sulfate and PM_{10}.	Human caused sources include fossil-fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. Sulfur dioxide is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The sulfur dioxide levels in the State are well below the maximum standards.	Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient sulfur dioxide levels. It is not clear whether the two pollutants act synergistically or one pollutant alone is the predominant factor.

Toxic Air Contaminants

A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

The California Almanac of Emissions and Air Quality—2009 Edition presents the relevant concentration and cancer risk data for the ten TACs that pose the most substantial health risk in California based on available data. The ten TACs are

acetaldehyde, benzene, 1.3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM).

DPM

Some studies indicate that DPM poses the greatest health risk among the TACs listed above. A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems.

For purposes of this analysis, DPM exhaust emissions are represented as PM10.

The Project would generate passenger vehicle and truck trips from employees, visitors, deliveries, and service vehicles traveling to and from the project site. The main source of DPM from the long-term operations of the Project would be from combustion of diesel fuel in diesel-powered engines in on-road trucks, while additional DPM would be emitted from on-site equipment. On-site motor vehicle emissions refer to DPM exhaust emissions from the motor vehicle traffic that would travel and idle within the project site each day.

Asbestos

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings.

Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States. Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.

Regulatory Setting

As noted previously, both the federal government (through the United State EPA) and the State of California (through the California ARB) have established health-based ambient air quality standards (AAQS) for six air pollutants, commonly referred to as "criteria pollutants." The six criteria pollutants are: 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).

Federal

Federal Clean Air Act

"The Federal Clean Air Act (CAA), adopted in 1970 and amended twice thereafter (including the 1990 amendments), establishes the framework for modern air pollution control. The act directs the Environmental Protection Agency (EPA) to establish ambient air standards, the National Ambient Air Quality Standards (NAAQS)… for six pollutants: ozone, carbon monoxide, lead, nitrogen dioxide, particulate matter (less than 10 microns in diameter [PM_{10}] and less than 2.5 microns in diameter [$PM_{2.5}$]), and sulfur dioxide. The standards are divided into primary and secondary standards; the former are set to protect human health with an adequate margin of safety and the latter to protect environmental values, such as plant and animal life.

Areas that do not meet the ambient air quality standards are called "non-attainment areas". The Federal CAA requires each state to submit a State Implementation Plan (SIP) for non-attainment areas. The SIP, which is reviewed and approved by the EPA, must demonstrate how the federal standards will be achieved. Failing to submit a plan or secure approval could lead to the denial of federal funding and permits for such improvements as highway construction and sewage treatment plants. For

cases in which the SIP is submitted by the State but fails to demonstrate achievement of the standards, the EPA is directed to prepare a federal implementation plan or EPA can "bump up" the air basin in question to a classification with a later attainment date that allows time for additional reductions needed to demonstrate attainment, as is the case for the San Joaquin Valley.

SIPs are not single documents. They are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations and federal controls. The California SIP relies on the same core set of control strategies, including emission standards for cars and heavy trucks, fuel regulations and limits on emissions from consumer products. California State law makes CARB the lead agency for all purposes related to the SIP. Local Air Districts and other agencies, such as the Bureau of Automotive Repair and the Department of Pesticide Regulation, prepare SIP elements and submit them to CARB for review and approval. The CARB forwards SIP revisions to the EPA for approval and publication in the Federal Register."[43]

The Federal CAA classifies nonattainment areas based on the severity of the nonattainment problem, with marginal, moderate, serious, severe, and extreme nonattainment classifications for ozone. Nonattainment classifications for PM range from marginal to serious. The Federal CAA requires areas with air quality violating the NAAQS to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures that states will use to attain the NAAQS. The Federal CAA amendments of 1990 require states containing areas that violate the NAAQS to revise their SIP to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, rules, and regulations of Air Basins as reported by the agencies with jurisdiction over them. The EPA reviews SIPs to determine if they conform to the mandates of the Federal CAA amendments and will achieve air quality goals when implemented. If the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and impose additional control measures.

State

The California Clean Air Act

"The California CAA of 1988 establishes an air quality management process that generally parallels the federal process. The California CAA, however, focuses on attainment of the State ambient air quality standards (see Table 3.3-1 [of the General Plan RDEIR]), which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards. Responsibility for meeting California's standards is addressed by the CARB and local air pollution control districts (such as the eight county SJVAPCD, which administers air quality regulations for Tulare County). Compliance strategies are presented in district-level air quality attainment plans.

The California CAA requires that Air Districts prepare an air quality attainment plan if the district violates State air quality standards for criteria pollutants including carbon monoxide, sulfur dioxide, nitrogen dioxide, PM2.5, or ozone. Locally prepared attainment plans are not required for areas that violate the State PM10 standards. The California CAA requires that the State air quality standards be met as expeditiously as practicable but does not set precise attainment deadlines. Instead, the act established increasingly stringent requirements for areas that will require more time to achieve the standards."[44]

"The air quality attainment plan requirements established by the California CAA are based on the severity of air pollution caused by locally generated emissions. Upwind air pollution control districts are required to establish and implement emission control programs commensurate with the extent of pollutant transport to downwind districts."[45]

The California Air Resources Board

The ARB is the state agency responsible for implementing the federal and state Clean Air Acts. ARB established CAAQS, which includes all criteria pollutants established by the NAAQS, but with additional regulations for visibility reducing particles, sulfates, hydrogen sulfide (H_2S), and vinyl chloride.

"The CARB is responsible for establishing and reviewing the State ambient air quality standards, compiling the California SIP and securing approval of that plan from the U.S. EPA. As noted previously, federal clean air laws require areas with unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop SIPs. SIPs are comprehensive plans that describe how an area will attain NAAQS. The 1990 amendments to the Federal CAA set deadlines

[43] Tulare County General Plan 2030 Update REIR. Pages 3.3-1 to 3.3-2.
[44] Ibid. 3.3-2 to 3.3-3.
[45] Op. Cit. 3.3-5.

for attainment based on the severity of an area's air pollution problem. State law makes CARB the lead agency for all purposes related to the SIP. The California SIP is periodically modified by the CARB to reflect the latest emission inventories, planning documents, and rules and regulations of various air basins. The CARB produces a major part of the SIP for pollution sources that are statewide in scope; however, it relies on the local Air Districts to provide emissions inventory data and additional strategies for sources under their jurisdiction. The SIP consists of the emission standards for vehicular sources and consumer products set by the CARB, and attainment plans adopted by the local air agencies as approved by CARB. The EPA reviews the air quality SIPs to verify conformity with CAA mandates and to ensure that they will achieve air quality goals when implemented. If EPA determines that a SIP is inadequate, it may prepare a FIP for the nonattainment area and may impose additional control measures.

In addition to preparation of the SIP, the CARB also regulates mobile emission sources in California, such as construction equipment, trucks, automobiles, and oversees the activities of air quality management districts and air pollution control districts, that are organized at the county or regional level. The local or regional Air Districts are primarily responsible for regulating stationary emission sources at industrial and commercial facilities within their jurisdiction and for preparing the air quality plans that are required under the Federal CAA and California CAA."[46]

Local

San Joaquin Valley Air Pollution Control District

The Air District is the local agency charged with preparing, adopting, and implementing mobile, stationary, and area air emission control measures and standards. The Air District has several rules and regulations that may apply to the Project, following is an example of those rules/regulations which likely apply to this Project:

- Rule 3135 (Dust Control Plan Fees) – This rule requires the project applicant to submit a fee in addition to a Dust Control Plan. The purpose of this rule is to recover the Air District's cost for reviewing these plans and conducting compliance inspections.
- Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Also known as NESHAPs, this rule applies to all sources of hazardous air pollution and requires developers to comply with federal requirements for handling and usage of hazardous air pollutants (HAPs) to protect the health and safety of the public from HAPs such as asbestos.
- Rule 4101 (Visible Emissions) – This rule applies to any source of air contaminants and prohibits the visible emissions of air contaminants.
- Rule 4102 (Nuisance) – This rule applies to any source of air contaminants and prohibits any activity which creates a public nuisance.
- Rule 4601 (Architectural Coatings) – This rule specifies requirements for the storage, cleanup, and labeling of architectural coatings. The rule applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating, or who manufactures, blends or repackages any architectural coating for use within the Air District.
- Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) – This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.
- Regulation VIII (Fugitive PM10 Prohibitions) – This regulation is a series of eight rules designed to reduce PM_{10} emissions by reducing fugitive dust emissions. Regulation VIII requires implementation of control measures to ensure that visible dust emissions are substantially reduced.
- Rule 9510 (Indirect Source Review) – Also known as ISR, this rule requires developers to mitigate project emissions through 1) on-site design features that reduce trips and vehicle miles traveled, 2) controls on other emission sources, and 3) with reductions obtained through the payment of a mitigation fee used to fund off-site air quality mitigation projects. Rule 9510 requires construction-related NOx emission reductions of 20 percent and PM10 exhaust reductions of 45 percent and operation-related NOx reductions of 33 percent and PM10 exhaust reductions of 50 percent.

[46] Op. Cit. 3.3-6 to 3.3-7.

Tulare County General Plan 2030 Update

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: *AQ-1.1 Cooperation with Other Agencies* requiring the County to cooperate with other local, regional, Federal, and State agencies (e.g., Air District) in developing and implementing air quality plans to achieve State and federal Ambient Air Quality Standards to achieve better air quality conditions locally and regionally; *AQ-1.2 Cooperation with Local Jurisdictions* requiring the County to coordinate with regional agencies, such as the Air District, to address cross-jurisdictional air quality issues; *AQ-1.3 Cumulative Air Quality Impacts* requiring development to be located, designed, and construction in a manner that minimizes cumulative air quality impacts; *AQ-1.4 Air Quality Land Use Compatibility* requiring the County to evaluate compatibility of proposed land uses; *AQ-1.5 California Environmental Quality Act (CEQA) Compliance* where the County will ensure that air quality impacts identified during the CEQA review process are consistently and reasonable mitigated when feasible*; AQ-2.2 Indirect Source Review* regarding mitigating major development projects, as defined by the SJVAPCD, to reasonably mitigate air quality impacts associated with the project. The County shall notify developers of SJVAPCD Rule 9510 – Indirect Source Review requirements and work with SJVAPCD to determine mitigations, as feasible, that may include, but are not limited to the following:

1. Providing bicycle access and parking facilities,
2. Increasing density,
3. Encouraging mixed use developments,
4. Providing walkable and pedestrian-oriented neighborhoods,
5. Providing increased access to public transportation,
6. Providing preferential parking for high-occupancy vehicles, carpools, or alternative fuels vehicles, and
7. Establishing telecommuting programs or satellite work centers.

AQ-3.2 Infill near Employment requiring the County of identify opportunities for infill development near employment areas; *AQ-3.4 Landscape* regarding the use of ecologically based landscape design principles that can improve local air quality by absorbing CO_2, producing oxygen, providing shade that reduces energy required for cooling, and filtering particulates*; AQ-3.6 Mixed Land Uses* where the County shall encourage the clustering of land uses that generate high trip volumes, especially when such uses can be mixed with support services and where they can be served by public transportation; *AQ-4.1 Air Pollution Control Technology* where 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. These measures shall be applied to new development approvals and permit modifications as appropriate; and *AQ-4.2 Dust Suppression Measures* regarding implementation of dust suppression measures during excavation, grading, and site preparation activities consistent with Air District Regulation VIII – Fugitive Dust Prohibitions. Techniques may include, but are not limited to, the following:

1. Site watering or application of dust suppressants,
2. Phasing or extension of grading operations,
3. Covering of stockpiles,
4. Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour), and
5. Re-vegetation of graded areas.

Assumptions

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM10) from disturbed soil. Additionally, paving operations and application of coatings would release VOC emissions. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, worker traffic, and road dust (PM10 and PM2.5). Operational emissions are those emissions that would occur during long-term operations of the Project.

Construction and operational modeling assumptions are discussed and analyzed in detail in the Air Quality and Greenhouse Gas Emissions Technical Memo (Memo) prepared by RMA staff, Jessica Willis, Planner IV (see Attachment "A"). Criteria pollutant emissions calculations are provided in Attachments "A" and "B" of the Memo, found in Attachment "A" of this document.

A Health Risk Prioritization Screening was completed to evaluate potential health risks associated with the generation of TACs, specifically DPM, during construction activities associated with the Project. Assumptions used in the Prioritization Screening, including Thresholds of Significance, and complete calculation parameters are provided in Attachment "B" of the Memo, found in Attachment "A" of this document.

Project Impact Analysis:

a) Less Than Significant Impact: Air Quality Plans (AQPs) are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine if the Air Basin can reach attainment for the ambient air quality standards. The Project site is located within the jurisdictional boundaries of the San Joaquin Valley Unified Air Pollution Control District (Air District). To show attainment of the standards, the Air District analyzes the growth projections in the Valley, contributing factors in air pollutant emissions and formations, and existing and adopted emissions controls. The Air District then formulates a control strategy to reach attainment that includes both State and Air District regulations and other local programs and measures. For projects that include stationary sources of emissions, the Air District relies on project compliance with Rule 2201—New and Modified Stationary Source Review to ensure that growth in stationary source emissions would not interfere with the applicable AQP. Projects exceeding the offset thresholds included in the rule are required to purchase offsets in the form of Emission Reduction Credits (ERCs).

The CEQA Guidelines indicate that a significant impact would occur if the project would conflict with or obstruct implementation of the applicable air quality plan. The GAMAQI indicates that projects that do not exceed Air District regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct the applicable AQP. An additional criterion regarding the project's implementation of control measures was assessed to provide further evidence of the project's consistency with current AQPs. This document proposes the following criteria for determining project consistency with the current AQPs:

1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs? This measure is determined by comparison to the regional and localized thresholds identified by the District for Regional and Local Air Pollutants.

2. Will the project comply with applicable control measures in the AQPs?

The use of the criteria listed above is a standard approach for CEQA analysis of projects in the Air District's jurisdiction, as well as within other air districts, for the following reasons:

- Significant contribution to existing or new exceedances of the air quality standards would be inconsistent with the goal of attaining the air quality standards.

- AQP emissions inventories and attainment modeling are based on growth assumptions for the area within the air district's jurisdiction.

- AQPs rely on a set of air district-initiated control measures as well as implementation of federal and state measures to reduce emissions within their jurisdictions, with the goal of attaining the air quality standards.

Contribution to Air Quality Violations

As discussed in Impact 3-b) below, emissions of ROG, NOx, CO, SOx, PM10, and PM2.5 associated with the Project would not exceed the Air District's significance thresholds (see **Table 3-4** and **Table 3-5**, Table 7 and Table 8 in the Memo, respectively). Therefore, the proposed Project would not be considered to obstruct implementation of the applicable air quality plan or be in conflict with the applicable air quality plan.

Air Quality Plan Control Measures

The AQP contains a number of control measures that are enforceable requirements through the adoption of rules and regulations. The following rules and regulations, including but not limited to, are relevant to the project:

Rule 2201—New and Modified Stationary Source Review Rule. The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards

Rule 4201—Particulate Matter Concentration. This rule shall apply to any source operation that emits or may emit dust, fumes, or total suspended particulate matter.

Rule 4601—Architectural Coatings. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling. Only compliant components are available for purchase in the San Joaquin Valley.

Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641. This regulation is enforced on the asphalt provider.

Rule 4702—Internal Combustion Engines. The purpose of this rule is to limit the emissions of NOx, carbon monoxide (CO), VOC, and sulfur oxides (SOx) from internal combustion engines. If the project includes emergency generators, the equipment is required to comply with Rule 4702.

Regulation VIII—Fugitive PM10 Prohibitions. This regulation is a control measure that is one main strategies from the 2006 PM10 for reducing the PM10 emissions that are part of fugitive dust. Projects over 10 acres are required to file a Dust Control Plan (DCP) containing dust control practices sufficient to comply with Regulation VIII. Rule 8021 regulates construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc. All development projects that involve soil disturbance are subject to at least one provision of the Regulation VIII series of rules.

The Project would be required to comply with all applicable CARB and Air District rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan.

Conclusion

The Project's emissions would be less than significant for all criteria pollutants and would not result in inconsistency with the AQP for this criterion. The project would comply with all applicable rules and regulations from the applicable air quality plans. Considering the Project's less-than-significant contribution to air quality violations and the project's adherence to applicable rules and regulations, the Project's would not be considered inconsistent with the AQP; the impact would be less than significant.

b) Less Than Significant Impact: To result in a less than significant impact, emissions of nonattainment pollutants must be below the Air District's regional significance thresholds. This is an approach recommended by the Air District in its GAMAQI. The SJVAB is in nonattainment for ozone, PM10 (State only), and PM2.5. Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and NOx emissions in the presence of sunlight. Therefore, ROG and NOx are termed "ozone precursors." As such, the primary pollutants of concern during project construction- and operation-related activities are ROG, NOx, PM10, and PM2.5. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and the infirm). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population could experience adverse health effects. However, the health effects are a factor of the dose-response curve; that is, concentration of the pollutant in the air (dose), the length of time exposed, and the response of the individual are factors involved in the severity and nature of health impacts. If a significant health impact results from a project's emissions, it does not necessarily mean that 100 percent of the population would experience adverse health effects.

Since the SJVAB is nonattainment for ozone, PM10, and PM2.5, it is considered to have an existing significant cumulative health impact without the Project. When this occurs, the analysis considers whether the Project's contribution to the existing violation of air quality standards is cumulatively considerable. The Air District regional thresholds for NOx, ROG/VOC, PM10, or PM2.5 are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact.

The Air District's GAMAQI contains thresholds for CO, NO_X, ROG, SO_X, PM_{10}, and $PM_{2.5}$. Air pollutant emissions have both regional and localized effects. The Project's regional emissions are compared to the applicable Air District significance threshold in **Table 3-4**.

Criteria Pollutant Emission Estimates

Construction Emissions (Regional)

Construction-related emissions associated with the project are provided in **Table 3-4** (Table 7 in the Memo). As shown in **Table 3-4**, the emissions are below the significance thresholds and, therefore, are less than significant on a project basis.

Table 3-4. Project Construction Criteria Pollutant Emissions (unmitigated)						
Project	**Tons per Year**					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Tulare 40, PSP 20-068	0.4419	4.9470	3.4152	0.0085	0.4470	0.2830
Tulare 40, PSP 23-012	0.3005	3.3639	2.3224	0.0057	0.3040	0.1924
Air District Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***
Sources: Emissions calculation tables for proposed Project (Attachment "A") and for the previously approved project (Attachment "C") of this document.						

Operational Emissions (Regional)

Operational-related emissions occur over the lifetime of a project. The Air District considers permitted and non-permitted emission sources separately when making significance determinations. In addition, the annual operational-related emissions are also considered separately from construction-related emissions. Operational-related emissions are shown in **Table 3-5** (Table 8 in the Memo). As shown in **Table 3-5**, the operational-related emissions would be less than the thresholds of significance for all criteria air pollutants.

Table 3-5. Project Operational Criteria Pollutant Emissions (unmitigated)						
Project	**Tons per Year**					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Tulare 40, PSP 20-068	0.0016	0.0049	0.0260	7.1500E-05	0.0068	0.0019
Tulare 40, PSP 23-012	0.0014	0.0042	0.0224	6.1490E-05	0.0059	0.0016
Air District Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***
Sources: Emissions calculation tables for proposed Project (Attachment "A") and for the previously approved project (Attachment "C") of this document.						

Ambient Air Quality Analysis Screening

The Air District also provides guidance for the use of Ambient Air Quality Analysis (AAQA) screening to determine whether a project may exceed any applicable federal or state standards. As shown in **Table 3-6** (Table 9 of the Memo), daily construction and operational emissions will not exceed the Air District's 100-pound-per-day (lb/day) screening threshold.

Table 3-6. Project Daily Criteria Pollutant Emissions (unmitigated)						
Project	**Pounds per Day**					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Construction Emissions[1]	3.4145	38.2265	26.3904	6.5295E-02	3.4541	2.1869
Operational Emissions[2]	0.0108	0.0322	0.1720	4.7300E-04	0.0452	0.0123
Total Emissions	**3.4252**	**38.2587**	**26.5624**	**6.5768E-02**	**3.4993**	**2.1992**
AAQA Screening Threshold	*100*	*100*	*100*	*100*	*100*	*100*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***
1. Emissions based on 176 days of construction (22 work days/month x 8 months). *2. Emissions based on 260 work days per year (5 work days/week x 52 weeks/year).* *Sources: Project daily emissions calculation included in Attachment "A" of this memo.*						

Conclusion

As shown in **Tables 3-4** through **3-6**, the Project's regional emissions would not exceed the applicable regional criteria pollutant emissions quantitative thresholds. In addition, any permitted sources will be required to comply with Air District BACT requirements. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment.

c) Less Than Significant Impact: Emissions occurring at or near the Project have the potential to create a localized impact that could expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors are considered land uses or other types of population groups that are more sensitive to air pollution than others due to their exposure. Sensitive population groups include children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases. The SJVAPCD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The nearest existing sensitive receptors to the Project development areas are a rural residence located approximately 150 feet west and north of the southern development area.

Localized Criteria Pollutant Impacts

Emissions occurring at or near the Project have the potential to create a localized impact (also referred to as an air pollutant hotspot). Localized emissions are considered significant if when combined with background emissions, they would result in exceedance of any health-based air quality standard. In locations that already exceed standards for these pollutants, significance is based on a significant impact level (SIL) that represents the amount that is considered a cumulatively considerable contribution to an existing violation of an air quality standard. The pollutants of concern for localized impact in the SJVAB are NO_2, SO_X, and CO.

The Air District has provided guidance for screening localized impacts in the GAMAQI that establishes a screening threshold of 100 pounds per day of any criteria pollutant. If a project exceeds 100 pounds per day of any criteria pollutant, then ambient air quality modeling would be necessary. If the project does not exceed 100 pounds per day of any criteria pollutant, then it can be assumed that it would not cause a violation of an ambient air quality standard and health risks would be considered less than significant.

As shown in **Table 3-7** (Table 9 in the Memo), Project construction and operational emissions would not exceed the 100 pounds per day screening threshold for each of the criteria pollutants. Therefore, based on the Air District's guidance, the Project would not cause a violation of any ambient air quality standards and an AAQA would not be required. As such, impacts would be less than significant.

Toxic Air Contaminants

Diesel particulate matter (DPM) represents the primary toxic air contaminates (TAC) of concern associated with the proposed Project. DPM emissions are primarily the result of the operation of internal combustion engines in equipment (e.g., loaders, backhoes, and cranes, as well as haul trucks) commonly associated with construction-related activities and with on-road diesel fueled truck trips during both construction- and operational-related activities.

The Air District recommends conducting a screening analysis for projects that have the potential to expose sensitive receptors to TAC emissions (e.g. DPM during project construction-related activities) that could pose a significance health risk. The Air District has devolved a prioritization tool to evaluate whether a Health Risk Assessment (HRA) should be prepared, which is based on the California Air Pollution Control Officers Association's (CAPCOA) latest methodology and OEHHA guidance. According to the Air District guidance, projects that obtain a prioritization score of ≥1 or more is considered to be potentially significant and a refined analysis would be required to determine the project's potential health risks.

Since activities associated with the operations of the proposed Project would result in short-term, temporary, and intermittent use of mobile sources of DPM, which are required to comply with all applicable ARB emissions standard rules and regulations, operation-related activities of the proposed Project would not expose nearby sensitive receptors to substantial DPM emissions. Therefore, health risks associated only with proposed Project construction-related activities have been evaluated.

Table 3-7 (Table 11 of the Memo)provides the prioritization scores for the proposed Project. These scores are based on an emission rate of 22.01 pounds per year of PM10 exhaust. As shown in **Table 3-7**, residences within 500 meters (i.e., 1,640 feet) would result in a prioritization score greater than 1 as allowed by the Air District.

Table 3-7. Project Construction Prioritization Score		
Receptor Proximity (in meters)	**Unmitigated Max Score**	**Mitigated Max Score**
0 < R < 100	649	51
100 < R < 250	162	13
250 < R < 500	26	2
500 < R < 1,000	7	1
1,000 < R < 1,500	2	0
1,500 < R < 2,000	1	0
2,000 < R	1	0
Prioritization score is based on an annual emission rate of 22.01 pounds per year emission rate; see Attachment "A" for emission rate calculations and Attachment "B" for prioritization screening results.		

Using the Air District's prioritization tool, annual emission rate of 22.01 pounds per year of PM10 exhaust, and a receptor proximity distance of 47 meters (150 feet), the proposed Project would obtain a score of 649, which would exceed the Air District's allowed screening score 1. Therefore, emissions from construction-related activities of the proposed Project could potentially expose nearby sensitive receptor to DPM concentrations that could result in a significant health risk. Implementation of **Mitigation Measure 3-1** would reduce the max score by requiring the proposed Project applicant to use Tier 4 engines (or retrofit technology if Tier 4 engines are unavailable) for off-road construction equipment during all construction-related activities. Tier 4 engines use advanced engine controls and sensors that significantly reduce engine emissions of hydrocarbons (HC), NOx, CO and PM. As demonstrated in Table 11, the use of Tier 4 engines would reduce DPM emissions generated by off-road equipment to a max score to 51, which still exceeds the Air District's allowed screening score.

As previously noted, the operation of each piece of equipment within the proposed Project site would not be constant throughout the day and all the equipment would not operate concurrently at the same location of the proposed Project construction-related area. The prioritization screening tool assumes a 70-year exposure and as such, is likely to overestimate potential health risks as Project-related construction activities will be completed within eight (8) months (or 1% of the exposure time utilized by the tool). Although the Project is not expected to result in significant health risk to the nearby receptors due to the temporary and intermittent nature of construction activities, a condition of approval requiring the Project applicant to consult with the Air District and obtain a refined analysis will be incorporated into the Project. Results of this analysis shall be provided to Tulare County Resource Management Agency's Planning Division prior to Project approval. Therefore, with implementation of Mitigation Measure AQ-1 and implementation of the condition of approval, Project construction-related activities would result in less than significant health risks. As such, Less Than Significant Project-specific Impacts With Mitigation related to this Checklist Item will occur.

Valley Fever

Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). The spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust contribute to greater exposure, and they include dust storms, grading, and recreational off-road activities.

The San Joaquin Valley is considered an endemic area for Valley fever. The San Joaquin Valley is considered an endemic area for Valley fever. During 2000–2018, a total of 65,438 coccidioidomycosis cases were reported in California; median statewide annual incidence was 7.9 per 100,000 population and varied by region from 1.1 in Northern and Eastern California to 90.6 in the Southern San Joaquin Valley, with the largest increase (15-fold) occurring in the Northern San Joaquin Valley. Incidence has been consistently high in six counties in the Southern San Joaquin Valley (Fresno, Kern, Kings, Madera, Tulare, and Merced counties) and Central Coast (San Luis Obispo County) regions.[47] California experienced 7,392 new probable or confirmed cases of Valley fever in 2020. A total of 311 Valley fever cases were reported in Tulare County in 2020.[48]

The distribution of *C. Immitis* within endemic areas is not uniform and growth sites are commonly small (a few tens of meters) and widely scattered. Known sites appear to have some ecological factors in common suggesting that certain

[47] Op. Cit.

[48] Op. Cit.

physical, chemical, and biological conditions are more favorable for *C. immitis* growth. Avoidance, when possible, of sites favorable for the occurrence of *C. immitis* is a prudent risk management strategy. Listed below are ecologic factors and sites favorable for the occurrence of *C. immitis*:

1) Rodent burrows (often a favorable site for *C. immitis*, perhaps because temperatures are more moderate and humidity higher than on the ground surface)
2) Old (prehistoric) Indian campsites near fire pits
3) Areas with sparse vegetation and alkaline soils
4) Areas with high salinity soils
5) Areas adjacent to arroyos (where residual moisture may be available)
6) Packrat middens
7) Upper 30 centimeters of the soil horizon, especially in virgin undisturbed soils
8) Sandy, well-aerated soil with relatively high water-holding capacities

Sites within endemic areas less favorable for the occurrence of *C. immitis* include:

1) Cultivated fields
2) Heavily vegetated areas (e.g., grassy lawns)
3) Higher elevations (above 7,000 feet)
4) Areas where commercial fertilizers (e.g., ammonium sulfate) have been applied
5) Areas that are continually wet
6) Paved (asphalt or concrete) or oiled areas
7) Soils containing abundant microorganisms
8) Heavily urbanized areas where there is little undisturbed virgin soil.[49]

The Project is located on a currently disturbed site that does not provide a suitable habitat for spores. Specifically, the Project site has been previously and currently remains disturbed and tilled from by agricultural-related activities typically used row crops . Therefore, implementation of the Project would have a low probability of the site having *C. immitis* growth sites and exposure to the spores from disturbed soil.

Although conditions are not favorable, construction-related activities could generate fugitive dust that contain *C. immitis* spores. The sed Project will minimize the generation of fugitive dust during construction-related activities by complying with SJVAPCD's Regulation VIII. Therefore, this Regulation, combined with the relatively low probability of the presence of *C. immitis* spores would reduce Valley fever impacts to less than significant.

During operations-related activities, dust emissions are anticipated to be relatively small because most of the Project area where operational-related activities would occur would be occupied by ___ of the Project. This condition would decrease the possibility of the Project providing habitat suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Naturally Occurring Asbestos

A review of the map of areas where naturally occurring asbestos in California are likely to occur does not indicate that the Project area would contain naturally occurring asbestos. Therefore, development of the Project is not anticipated to expose receptors to naturally occurring asbestos.[50] Impacts would be less than significant.

Conclusion

In summary, the proposed Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The proposed Project is not a significant source of TAC emissions during construction or operation. The posed Project is not in an area with suitable habitat for Valley fever spores and is not in an area known to have naturally occurring asbestos. Therefore, the Project would not result in significant impacts to sensitive receptors.

d) Less Than Significant Impact: Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing

[49] Op. Cit.
[50] Op. Cit.

source of odor. The Project is of the first type only since it involves a potential new odor source and would not locate any new sensitive receptors.

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

Although the Project is approximately 150 feet from the nearest sensitive receptors, it is not anticipated to be a significant source of odors. The screening levels for these land use types are shown in **Table 3-8** (Table 6 in the Memo).

Table 3-8
Screening Levels for Potential Odor Sources

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile
Wastewater Treatment Facilities	2 miles

Source of Thresholds: San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. February 19. Website: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF Accessed December 30, 2021.

Construction-related activities would include fuels and other odor sources (such as diesel-fueled equipment) that could result in the creation of objectionable odors. Since construction-related activities would be short-term, temporary, and spatially dispersed (i.e., intermittent), and will occur in a predominantly rural area, these activities would not affect a substantial number of people. Less Than Significant Project-specific Impacts related to this Checklist Item will occur.

Cumulative Impact Analysis: **Less Than Significant Impact With Mitigation**

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project's emissions would be less than significant for all criteria pollutants and would be consistent with the AQP for this criterion. The project would comply with all applicable rules and regulations as specified in the applicable air quality plan(s). The project's less-than-significant contribution to air quality violations and its adherence to applicable rules and regulations would allow the project to remain consistent with the AQP; therefore, the cumulative impact would be less than significant. As shown in **Tables 4, 5 and 6**, the Project's regional emissions would not exceed the applicable regional criteria pollutant emissions quantitative thresholds. In addition, any permitted sources will be required to comply with Air District rules, regulations permit conditions, thresholds, (requirements), as applicable. Although the prioritization score exceeds the Air District's allowed score of 1, the Project is not expected to result in significant health risk to the nearby receptors. A condition of approval requiring the Project applicant to consult with the Air District and obtain a refined analysis will be incorporated into the Project. Therefore, with implementation of Mitigation **Measure 3-1** and implementation of the condition of approval, Project-related activities would result in less than significant health risks. The project would not generate a significant source of odors. Therefore, cumulative impacts of the Project are less than significant with mitigation.

Mitigation Measure(s): See **Mitigation Measure 3-1**

3-1. Engine Standards for Off-Road Equipment. In order to reduce the impact of off-road equipment exhaust emissions during construction-related activities, applicant shall ensure that construction contracts stipulate that all off-road diesel-powered equipment used will be equipped with USEPA Tier 4 or cleaner engines, except for specialized equipment in

which an USEPA Tier 4 engine is not available. In lieu of Tier 4 engines, project equipment can incorporate retrofits such that emissions reductions achieved equal to that of the Tier 4 engines at a minimum. The construction contractor shall submit a detailed list of the equipment fleet that demonstrates achievement of this mitigation measure to Tulare County Resource Management Agency Planning Branch for approval prior to receiving Notice to Proceed.

IV. BIOLOGICAL RESOURCES

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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 Game 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, and regulations or by the California Department of Fish and Game 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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Biological Resources, etc. contained in the Tulare County General Plan 2030 Update and Tulare County Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The Rural Valley Lands Plan (RVLP) applies "to the Central Valley generally below the 600-foot elevation contour line along the foothills of the Sierra Nevada (including Valley Agricultural Extensions as described in Part II-Chapter 3) outside the County's Urban Development Boundaries (UDBs), Hamlet Development Boundaries (HDBs), Urban Area Boundaries (UABs) for cities, and other adopted land use plans which may include urban corridors, planned communities, and the Kings River Plan. Scenic and regional corridor plans may retain the RVLP subject to the policies developed in those plans (Part II-Figure 1-1: Rural Valley Lands Plan). The RVLP was initiated in order to establish minimum parcel sizes for areas zoned for agriculture and to develop a policy that is fair, logical, legally supportable, and which consistently utilizes resource information to determine the suitability of rural lands for non-agricultural uses."[51]

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly

[51] Tulare County General Plan 2030 Update, Part II – Area Plan Policies, Chapter 1 – Rural Valley Lands Plan.

adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Biological Species Evaluation

The Technical Memorandum *"Biological Resources Evaluation for Tulare 40 Generation Facility (PSP 23-012)*" (BRE Memo) was completed by RMA Staff (Jessica Willis, Planner IV) in March 2023 to analyze potential impacts on biological species in the Project vicinity (See Attachment "B"). The most recent California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB), RareFind 5 and Biogeographic Information and Observation System (BIOS) mapping applications were accessed in April 2021.[52]

Special Status Species

Based on the information in the CNDDB and BIOS, there are 3 natural communities, 23 special status animal species, and 14 special status plant species recorded within the 9-quadrangle project area (Cairns Corner, Visalia, Exeter, Rocky Hill, Tulare, Lindsay, Tipton, Woodville, Porterville quadrangles) (see BRE Memo in Attachment "B").

Based on the information in the CNDDB and BIOS, within the Cairns Corner quadrangle the Project site is within the historic range of four (4) special status animal species: *Buteo swainsoni* (Swainson's hawk); *Dipodomys nitratoides nitratoides* (Tipton kangaroo rat); *Spea hammondii* (Western spadefoot), and *Vulpes macrotis mutica* (San Joaquin kit fox) (see the BRE Memo in Attachment "B"). The Project site is also within the range of six (6) California Native Plant Society listed species: *Lasthenia chrysantha* (alkali-sink goldfields), *Atriplex cordulata var. erecticaulis* (Earlimart orache); *Atriplex minuscula* (lesser saltscale); *Atriplex subtilis* (subtle orache); *Delphinium recurvatum* (recurved larkspur); and *Puccinellia simplex* (California alkali grass) (see the BRE Memo in Attachment "B"). There are no special status plant or animal species, or natural communities, recorded within the Project site. However; although absent from the Project site, there are five special status plant species recorded with a 1.5-mile radius (alkali Sink goldfield, Recurved larkspur, Lesser saltscale, Subtle orache, Earlimart orache and California alkali grass) between 1998 and 2010 (see the BRE Memo in Attachment "B"). No special status species were identified within a 1.5-mile buffer from the northern portion of the Project.

To ensure the Project will have a less than significant impact on biological species within the Project area, mitigations measures will be implemented as contained in the Mitigation Monitoring and Reporting Program and as summarized in Item a) of this discussion.

Regulatory Setting

Federal

Federal Endangered Species Act

"The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (16 USC Section 153 et seq.) and thereby has jurisdiction over federally listed threatened, endangered, and proposed species. Projects that may result in a "take" of a listed species or critical habitat must consult with the USFWS. "Take" is broadly defined as harassment, harm, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collection; any attempt to engage in such conduct; or destruction of habitat that prevents an endangered species from recovering (16 USC 1532, 50 CFR 17.3). Federal agencies that propose, fund, or must issue a permit for a project that may affect a listed species or critical habitat are required to consult with the USFWS under Section 7 of the Federal Endangered Species Act. If it is determined that a federally listed species or critical habitat may be adversely affected by the federal action, the USFWS will issue a "Biological Opinion" to the federal agency that describes minimization and avoidance measures that must be implemented as part of the federal action. Projects that do not have a federal nexus must apply for a take permit under Section 10 of the Act. Section 10 of the Act requires that the project applicant prepare a habitat conservation plan as part of the permit application (16 USC 1539)."[53]

"Under Section 4 of the Federal Endangered Species Act, a species can be removed, or delisted, from the list of threatened and endangered species. Delisting is a formal action made by the USFWS and is the result of a determined successful recovery of a

[52] California Department of Fish and Wildlife (CDFW). Accessed March 2023 at: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data#43018407-rarefind-5

[53] Tulare County 2030 General Plan RDEIR. Page 3.11-1.

species. This action requires posts in the federal registry and a public comment period before a final determination is made by the USFWS."[54]

Habitat Conservation Plans

"Habitat Conservation Plans (HCPs) are required for a non-federal entity that has requested a take permit of a federal listed species or critical habitat under Section 10 of the Endangered Species Act. HCPs are designed to offset harmful effects of a proposed project on federally listed species. These plans are utilized to achieve long-term biological and regulatory goals. Implementation of HCPs allows development and projects to occur while providing conservation measures that protect federally listed species or their critical habitat and offset the incidental take of a proposed project. HCPs substantially reduce the burden of the Endangered Species Act on small landowners by providing efficient mechanisms for compliance with the ESA, thereby distributing the economic and logistic effects of compliance. A broad range of landowner activities can be legally protected under these plans (County of Tulare, 2010 Background Report, pages 9-6 and 9-7, 2010a). There are generally two types of HCPs, project-specific HCPs which typically protect a few species and have a short duration and multi-species HCPs which typically cover the development of a larger area and have a longer duration."[55]

As noted earlier, there are two habitat conservation plans that apply in Tulare County: The Kern Water Habitat Conservation Plan, which applies to an area in Allensworth; and the U.S. Fish and Wildlife's "The Recovery Plan for Upland Species in the San Joaquin Valley," which includes sensitive species in the San Joaquin Valley, several of which may be found in Tulare County. Also as noted earlier, the Project is not in the vicinity of Allensworth, thus the Kern Water Habitat Conservation Plan would not apply to this Project.

Migratory Bird Treaty Act

"The Migratory Bird Treaty Act (MBTA, 16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668) protect certain species of birds from direct "take". The MBTA protects migrant bird species from take by setting hunting limits and seasons and protecting occupied nests and eggs. The Bald and Golden Eagle Protection Act (16 USC Sections 668-668d) prohibits the take or commerce of any part of Bald and Golden Eagles. The USFWS administers both acts, and reviews federal agency actions that may affect species protected by the acts."[56] 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 Sections 3800, 3513, and 3503.5 of the CDFG Code.

Federal Clean Water Act (CWA)

"Wetlands and other waters of the U.S. are subject to the jurisdiction of the U.S. Army Corp of Engineers (USACE) and U.S. Environmental Protection Agency (U.S. EPA) under Section 404 of the Clean Water Act (33 U.S.C. 1251 et seq., 1972). Together, the EPA and the USACE determine whether they have jurisdiction over the non-navigable tributaries that are not relatively permanent based on a fact-specific analysis to determine if there is a significant nexus. These non-navigable tributaries include wetlands adjacent to non-navigable tributaries that are not relatively permanent and wetlands adjacent to but that does not directly abut a relatively permanent non-navigable tributary."[57] 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 U.S. EPA also has authority over wetlands and may override an USACE 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 Regional Water Quality Control Board.

[54] Ibid.

[55] Op. Cit. 3.11-2.

[56] Tulare County 2030 General Plan RDEIR. Page 3.11-2.

[57] Ibid. 3.11-1 and -2.

California Department of Fish and Wildlife (formerly Dept. of Fish and Game)

The California Department of Fish and Wildlife (DFW) regulates the modification of the bed, bank, or channel of a waterway under Sections 1601-1607 of the California Fish and Game Code. Also included are modifications that divert, obstruct, or change the natural flow of a waterway. Any party who proposes an activity that may modify a feature regulated by the Fish and Game Code must notify DFW before project construction. DFW will then decide whether to enter into a Streambed Alteration Agreement with the project applicant either under Section 1601 (for public entities) or Section 1603 (for private entities) of the Fish and Game Code.

California Endangered Species Act

The California Department of Fish and Wildlife (CDFE or DFW) administers the California Endangered Species Act 9 (CESA OR ESA) of 1984 (Fish and Game Code Section 2080), which regulates the listing and "take" of endangered and threatened State-listed species. A "take" may be permitted by California Department of Fish and Game [Wildlife] through implementing a management agreement. "Take" is defined by the California Endangered Species Act as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" a State-listed species (Fish and Game Code Sec. 86). Under State laws, DFW is empowered to review projects for their potential impacts to State-listed species and their habitats.

The DFW maintains lists for Candidate-Endangered Species (SCE) and Candidate-Threatened Species (SCT). California candidate species are afforded the same level of protection as State-listed species. California also designates Species of Special Concern (CSC) that are species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. These species do not have the same legal protection as listed species, but may be added to official lists in the future. The CSC list is intended by DFW as a management tool for consideration in future land use decisions (Fish and Game Code Section 2080).[58]

All State lead agencies must consult with DFW under the California Endangered Species Act when a proposed project may affect State-listed species. DFW would determine if a project under review would jeopardize or result in taking of a State-listed species, or destroy or adversely modify its essential habitat, also known as a "jeopardy finding" (Fish and Game Code Sec. 2090). For projects where DFW has made a jeopardy finding, DFW must specify reasonable and prudent alternatives to the proposed project to the State lead agency (Fish and Game Code Sec. 2090 et seq.).[59]

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 Section 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 Sections 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, Section 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

[58] General Plan Background Report. Pages 9-7 and 9-8.

[59] Ibid. 9-8.

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.

Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act allows a process for developing natural community conservation plans (NCCPs) under DFW direction. NCCPs allow for regional protection of wildlife diversity, while allowing compatible development. DFW may permit takings of State-listed species whose conservation and management are provided in a NCCP, once a NCCP is prepared (Fish and Game Code Secs. 2800 et seq.).[60]

Federally and State-Protected Lands

Ownership of California's wildlands is divided primarily between federal, state, and private entities. State-owned land is managed under the leadership of the Departments of Fish and Game (DFW), Parks and Recreation, and Forestry and Fire Protection (CDF). Tulare County has protected lands in the form of wildlife refuges, national parks, and other lands that have large limitations on appropriate land uses. Some areas are created to protect special status species and their ecosystems.[61]

California Wetlands Conservation Policy

The California Wetlands Conservation Policy's goal is to establish a policy framework and strategy that will ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California. Additionally, the policy aims to reduce procedural complexity in the administration of State and federal wetlands conservation programs and to encourage partnerships with a primary focus on landowner incentive programs and cooperative planning efforts. These objectives are achieved through three policy means: statewide policy initiatives, three geographically based regional strategies in which wetland programs can be implemented, and creation of interagency wetlands task force to direct and coordinate administration and implementation of the policy. Leading agencies include the Resources Agency and the California Environmental Protection Agency (Cal/EPA) in cooperation with Business, Transportation and Housing Agency, Department of Food and Agriculture, Trade and Commerce Agency, Governor's Office of Planning and Research, Department of Fish and Game, Department of Water Resources, and the State Water Resources Control Board.[62]

Birds of Prey

Birds of Prey are protected under the California Fish and Game Code Section 3503.5, which states:

"It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

This includes any construction disturbance that could lead to nest abandonment, which is considered a "taking" by the DFW.

CEQA and Oak Woodland Protection

CEQA Statute Section 21083.4, "Counties; Conversion of Oak Woodlands; Mitigation Alternatives," requires that counties determine whether a development will have potential impacts on oak woodlands:

21083.4(a): "For purposes of this section, "oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height."

21083.4(b): " …a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require o that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:…"

[60] Op. Cit.
[61] Op. Cit. 9-9.
[62] Op. Cit.

Local

The following Tulare County General Plan 2030 Update policies for this resource apply to the Project: *ERM-1.1 Protection of Rare and Endangered Species* which protects 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-1.4 Protect Riparian Areas* where 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* where the County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats; *ERM-1.7 Planting of Native Vegetation* where the County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained; and *ERM-1.16 Cooperate with Wildlife Agencies* which states that the County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas.

Project Impact Analysis:

a) Less Than Significant Impact with Mitigation: As noted earlier, the Project is proposing the construction and operation of an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 313 acres (of which 160 acres will be utilized for the Project) in the southwest quadrant of Tulare County, California. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. The Project will not require removal of any native valley oaks or other trees.

According to the CNDDB search and as described in the Bio Memo in Attachment "B" of this MND, no Special Status plant species, Special Status animal species, or special habitats are known to occur in the Project site. Also as noted in the Bio Memo, there are five (5) special status plant recordings in a 1.5-mile vicinity of the Project site. However, because the Project site has been and continues to be actively farmed, it is unlikely that any special status plant would be present due to the constantly disturbed soils that accompany agricultural-related activities which results in constant disturbance of habitat suitable for special status plant species. Also, no trees are present within the Project site which could be used as nesting or roosting for special status birds. However, as the Project lies within the historical range of special status plants, nesting raptors/migratory birds, and San Joaquin kit fox; Mitigation Measures 4-1 through 4-3 are included as an abundance of caution.

Therefore, the Project will not significantly impact any biological plant or animal species. The Project will not have a significant direct or cumulative impact, or create an unusual circumstance that will cause the Project to have a significant effect on the biological resources of the area and environment. See Mitigation Measures 4-1 through 4-3.

b) – d) No Impact: As noted earlier and summarized here, the Project would result in the construction and operation of an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; would not result in an 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; and it would not 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. The nearest body of water is Hutchinson Ditch located west of the northern parcel of the Project site (north of Avenue 208). Hutchinson Ditch conveys water for seasonal agricultural-related purposes. A Storm Water Pollution Prevention Plan (SWPPP) would be in effect for the Project to prevent impacts on adjacent properties and to Hutchinson

Ditch from any storm water generated on-site. Appropriate setbacks from Hutchinson Ditch would be enforced in the northern proposed development area to avoid adverse impacts to water.

The most recent United States Geological Survey (USGS) National Water Information System (NWIS) and United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapping applications were accessed in February, 223.[63] [64] Other than Hutchinson Ditch, there are no jurisdictional waters of the State and U.S. bodies of water proximate or within the entire Project site. As noted earlier, a SWWP would be in effect for the Project to prevent impacts on adjacent properties and to Hutchinson Ditch from any storm water generated on-site. A grading and drainage plan will be submitted and approved by the Tulare County RMA Engineering Branch. As such, the Project will not result in significant impact to any riparian habitats or other protected wetlands. Therefore, mitigation measures are not required or necessary as a result of the Project.

e) – f) No Impact: The Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances. Moreover, the Project is not anticipated to conflict with the goals or policies of the Tulare County General Plan 2030 Update that protect biological resources. Also, as the Project is not within or in the vicinity of any approved habitat conservation plans, natural community conservation plans, or regional or state habitat conservation plans in effect, the Project would result in no impact to these resources within the vicinity of the Project site.

Cumulative Impact Analysis: Less Than Significant Impact with Mitigation– The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist in other portions of the San Joaquin Valley, and therefore cumulative impacts would extend beyond Tulare County's jurisdictional boundaries. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Project will only contribute to cumulative impacts related to this Checklist Item if Project specific impacts were to occur. There are no known waters of the U.S., the Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances; and the Project is not within or in the vicinity of any approved habitat conservation plans, natural community conservation plans, or regional or state habitat conservation plans in effect. Also, an adequate setback from areas that would be disturb will provide an adequate distance to avoid impacts to Hutchinson Ditch and the SWPPP would prevent stormwater generated on-site from impacting the ditch. Therefore, with implementation of Mitigation Measures 4-1 thru 4-3 the Project's cumulative impacts will be Less Than Significant.

Mitigation Measure(s): See **Mitigation Measures 4-1** through **4-3**, below.

Pre-construction Surveys and Education

4-1: ***Special Status Plant Species*****:** A qualified biologist/botanist will conduct pre-construction surveys for special status plant species in accordance with the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009). This protocol includes identification of reference populations to facilitate the likelihood of field investigation occurring during the appropriate floristic period. Surveys should be timed to coincide with flowering periods for species that could occur (March-May). In the absence of protocol-level surveys being performed, additional surveys may be necessary.

- If special status plant species are not identified during pre-construction surveys, no further action is required.
- If special status plant species are detected during preconstruction surveys, plant population shall be avoided with the establishment of a minimum 50-foot no disturbance buffer from the outer edge of the plant population. If buffers cannot be maintained, the Sacramento Field Office of the USFWS and the Fresno Field

[63] USGS. Accessed February 2023 at: https://maps.waterdata.usgs.gov/mapper/index.html

[64] USFWS. Accessed February 2023 at: https://www.fws.gov/wetlands/data/mapper.HTML

Office of CDFW shall be contacted immediately to identify the appropriate minimization actions to be taken as appropriate for the species identified and to determine permitting needs.

4-2: ***San Joaquin Kit Fox and Nesting Raptors/Migratory Birds*:** If Project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½-mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

4-3: ***Employee Education Program*:** Prior to the start of construction, the applicant shall retain a qualified biologist/botanist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the special status species that occur, or may occur, on the project site. This training will include a description of the species and its habitat needs; a report of the occurrence of the species in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.

V. CULTURAL RESOURCES

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Cultural Resources, etc. contained in the Tulare County General Plan 2030 Update and Tulare County Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory."[65]

"California's coast was initially explored by Spanish (and a few Russian) military expeditions during the late 1500s. However, European settlement did not occur until the arrival into southern California of land-based expeditions originating from Spanish Mexico starting in the 1760s. Early settlement in the Tulare County area focused on ranching. In 1872, the Southern Pacific Railroad entered Tulare County, connecting the San Joaquin Valley with markets in the north and east. About the same time, valley settlers constructed a series of water conveyance systems (canals, dams, and ditches) across the valley. With ample water supplies and the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region."[66]

"The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford [in Kings County]. Visalia, the [Tulare] County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The California Department of Finance estimated the 2007 Tulare County population to be 430,167."[67]

Existing Cultural and Historic Resources

[65] Tulare County General Plan Update 2030. Page 8-5.
[66] Ibid.
[67] Op. Cit. 8-6.

"Tulare County's known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources."[68]

Due to the sensitivity of many prehistoric, ethnohistoric, and historic archaeological sites, locations of these resources are not available to the general public. The Information Center at California State University, Bakersfield houses records associated with reported cultural resources surveys, including the records pertinent to sensitive sites, such as burial grounds, important village sites, and other buried historical resources protected under state and federal laws.

The California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Historical Resources Information Center (SSJVIC) located at California State University, Bakersfield (Center) conducted a search for the Project location as requested by Tulare County RMA. In summary, the Center's search response letter indicated, "According to the information in our files, there has been no previous cultural resource studies completed within the project area. There has been one cultural resource study conducted within the one-half mile radius: TU-01764."[69] The CHRIS results letter further noted, "According to the information in our files, there are no recorded resource within the project area, and it is not known if any exit there. There are two recorded resources within the one-half mile radius, P-54-004622 and P-54-004832. These resources are an historic era canal and an historic era transmission line, respectively. Resource P-54-004832, the Big Creek East and West Transmission line, is contributing element of the Big Creek Hydroelectric System Historic District. The Big Creek Hydroelectric System Historic District has been given a National Register status code of 1S, indicating this property has been listed in the National Register of Historic Places by the Keeper. It is also listed in the California Register of Historical Resources."[70] "There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, for the California State Historic Landmarks."[71] The Center also recommended that the NAHC be contacted regarding cultural resources that may not be included in the CHRIS inventory (see Attachment "C"). Tulare County RMA also requested a Sacred Lands File (SLF) search from the California Native American Heritage Commission (NAHC). The NAHC provided a letter dated March 20, 2023, showing "negative" results which indicates there are no documented Sacred Lands within the Project area (see NAHC response letter dated March 20, 2023; also in Attachment "C").

Natural Setting

The Windmiller Pattern

According to the Society for California Archaeology (SCA), there are many chronological and cultural units (i.e., periods, phases, horizons, stages, traditions, etc.) that define California prehistory. "The literature on prehistoric California contains numerous designations for units referring to chronological, geographical, cultural, technological, or functional diversity in the archaeological record. These dimensions have often been invoked in overlapping or inconsistent ways."[72] The Windmiller pattern was identified in the Sacramento-San Joaquin Delta and is thought to be one of the oldest archaeological complexes (Lillard et al. 1939). As defined by SCA, a Pattern is "A geographically and chronologically extended cultural unit within a region, characterized by similar technology, economy, and burial practices."[73]

The Windmiller pattern is identified as "A middle to late Holocene tradition, pattern, facies, or culture in central California, particularly in the Sacramento delta, dated between 5000-2500 and 2000-500 B.C. The Windmiller tradition has been identified with the Early horizon or period and classified within the late Archaic period. Locally, the Windmiller facies was followed by the Morse, Deterding, Brazil, Need, or Orwood facies. The pattern has been identified with the Utian ethnolinguistic group. The type site is the Windmiller Mound Site (SAC-107). (Beardsley 1954; Bennyhoff and Fredrickson 1994; Chartkoff and Chartkoff 1984; Fredrickson 1994; Lillard et al. 1939; Ragir 1972)."[74] The Windmiller Pattern represents an important facet of Tulare County's prehistory.

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[68] Tulare County General Plan 2030 Update *Background Report.* Page 9-56.

[69] California Historical Resources Information System (CHRIS). Southern San Joaquin Valley Information Center. California State University, Bakersfield. Record Search 23-089. Tulare 40 Generation Facility (PSP 23-012). See Attachment "C" of this MND

[70] Ibid.

[71] Op. Cit.

[72] Society for California Archaeology. Chronological and Cultural Units. A Glossary of Proper Names in California History. Accessed February 2023at: https://scahome.org/public-resources/glossary-of-terms/chronological-and-cultural-units/

[73] Ibid.

[74] Ibid.

Regulatory Setting

Federal

Cultural resources are protected by several federal regulations, none of which are relevant to this project because it will not be located on lands administered by a federal agency and the Project applicant is not requesting federal funding and does not require any permits from any federal agencies.

State

California State Office of Historic Preservation (OHP)

"The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), a gubernatorial appointee, and the State Historical Resources Commission.

OHP's responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Ensuring compliance with federal and state regulatory obligations;
- Encouraging the adoption of economic incentives programs designed to benefit property owners; and,
- Encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

Architectural Review and Incentives

OHP administers the Federal Historic Preservation Tax Incentives Program and provides architectural review and technical assistance to other government agencies and the general public in the following areas:

- Interpretation and application of the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties;
- General assistance with and interpretation of the California Historical Building Code and provisions for qualified historic properties under the Americans with Disabilities Act;
- Developing and implementing design guidelines;
- Preservation incentives available for historic properties; and,
- Sustainability and adaptive reuse of historic properties."[75]

Information Management

The California Historical Resources Information System (CHRIS) consists of the California Office of Historic Preservation (OHP), nine Information Centers (ICs), and the State Historical Resources Commission (SHRC). The OHP administers and coordinates the CHRIS and presents proposed CHRIS policies to the SHRC, which approves these polices in public meetings. The CHRIS Inventory includes the State Historic Resources Inventory maintained by the OHP as defined in California Public Resources Code § 5020.1(p), and the larger number of resource records and research reports managed under contract by the nine ICs."[76] "The CHRIS Information Centers (ICs) are located on California State University and University of California campuses in regions throughout the state. The nine ICs provide historical resources information, generally on a fee-for-service basis, to local governments, state and federal agencies, Native American tribes, and individuals with responsibilities under the National Environmental Policy Act, the National Historic Preservation Act, and the California Environmental Quality Act (CEQA), as well as to the general public."[77] Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Historical Resources Information Center (SSJVC), located at California State University, Bakersfield in

[75] California State Parks. Office of Historic Preservation. Mission and Responsibilities. Accessed February 2023 at: Mission and Responsibilities (ca.gov)

[76] California State Parks. Office of Historic Preservation. Accessed February 2023 at: http://ohp.parks.ca.gov/?page_id=1068.

[77] California State Parks. Office of Historic Preservation. About the CHRIS Information Centers. Accessed February 2023 at: http://ohp.parks.ca.gov/?page_id=28730.

Bakersfield, CA. The SSJVIC provides information on known historic and cultural resources to governments, institutions, and individuals.

"Local Government Assistance

OHP works with California's city and county governments to aid them in integrating historic preservation into the broader context of overall community planning and development activities by adopting a comprehensive approach to preservation planning which combines identification, evaluation, and registration of historical resources with strong local planning powers, economic incentives, and informed public participation.

OHP provides guidance and technical assistance to city and county governments in the following areas:

- Drafting or updating preservation plans and ordinances;
- Planning for and conducting architectural, historical, and archeological surveys;
- Developing criteria for local designation programs, historic districts, historic preservation overlay zones (HPOZs), and conservation districts;
- Developing design guidelines using the Secretary of the Interior's Standards;
- Developing economic incentives for historic preservation;
- Training local commissions and review boards;
- Meeting CEQA responsibilities with regard to historical resources.

OHP also administers the Certified Local Government (CLG) Program and distributes at least 10% of its annual federal Historic Preservation Fund allocation to CLGs through a competitive grant program to them in achieving their historic preservation goals.

Environmental Compliance: Section 106, PRC 5024, and CEQA

OHP reviews and comments on thousands of federally sponsored projects annually pursuant to Section 106 of the National Historic Preservation Act and state programs and projects pursuant to Sections 5024 and 5024.5 of the Public Resources Code. OHP also reviews and comments on local government and state projects pursuant to the California Environmental Quality Act (CEQA).

The purpose of OHP's project review program is to promote the preservation of California's heritage resources by ensuring that projects and programs carried out or sponsored by federal and state agencies comply with federal and state historic preservation laws and that projects are planned in ways that avoid any adverse effects to heritage resources. If adverse effects cannot be avoided, the OHP assists project sponsors in developing measures to minimize or mitigate such effects.

State and Federal Registration Programs

OHP administers the National Register of Historic Places, the California Register of Historical Resources, the California Historical Landmarks, and the California Points of Historical Interest programs. Each program has different eligibility criteria and procedural requirements; all register nominations must be submitted to the Commission for review and approval.

Eligible and listed resources may be eligible for tax benefits and are recognized as part of the environment under the California Environmental Quality Act (CEQA.[78]

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it meets the following Criteria for Designation:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).[79]

[78] Ibid.

[79] California Register: Criteria for Designation. February 2023 at: https://ohp.parks.ca.gov/?page_id=21238

Native American Heritage Commission (NAHC)

"In 1976, the California State Government passed AB 4239, establishing the Native American Heritage Commission (NAHC) as the primary government agency responsible for identifying and cataloging Native American cultural resources. Up until this point, there had been little government participation in the protection of California's cultural resources. As such, one of the NAHC's primary duties, as stated in AB 4239, was to prevent irreparable damage to designated sacred sites, as well as to prevent interference with the expression of Native American religion in California. Furthermore, the bill authorized the Commission to act in order to prevent damage to and insure Native American access to sacred sites. Moreover, the Commission could request that the court issue an injunction for the site, unless it found evidence that public interest and necessity required otherwise. In addition, the bill authorized the commission to prepare an inventory of Native American sacred sites located on public lands and required the commission to review current administrative and statutory protections accorded to such sites. In 1982, legislation was passed authorizing the Commission to identify a Most Likely Descendant (MLD) when Native American human remains were discovered any place other than a dedicated cemetery. MLDs were granted the legal authority to make recommendations regarding the treatment and disposition of the discovered remains. These recommendations, although they cannot halt work on the project site, give MLDs a means by which to ensure that the Native American human remains are treated in the appropriate manner. Today, the NAHC provides protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction. It also provides a legal means by which Native American descendants can make known their concerns regarding the need for sensitive treatment and disposition of Native American burials, skeletal remains, and items associated with Native American burials."[80]

As noted in their website, "The California Native American Heritage Commission (NAHC or Commission), created in statute in 1976 (Chapter 1332, Statutes of 1976), is a nine-member body whose members are appointed by the Governor. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties."[81]

Additional State regulatory requirements regarding tribal cultural resources (such as AB 52 and SB 18 Tribal Consultation Guidelines) can be found at Item 18 Tribal Cultural Resources.

CEQA Guidelines: Historical Resources Definition

CEQA Guidelines Section 15064.5(a) defines a historical resource as:

"(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:

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

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

(C) 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; or

[80] California Native American Heritage Commission. About The Native American Heritage Commission. Accessed February 2023 at: http://nahc.ca.gov/about/.

[81] Ibid. Welcome. Accessed February 2023 at: http://nahc.ca.gov/.

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

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1."[82]

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.

"(1) When a Project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the Project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the Project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process."[83]

CEQA Guidelines: Human Remains

Public Resources Code Sections 5097.94 and 5097.98 provide guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the Native American Heritage Commission:

"(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the Project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any Items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.[84]

"(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

[82] California Natural Resources Agency. California Environmental Quality Act (CEQA) Guidelines. Section 15064.5(a). Statute and Guidelines - California Association of Environmental Professionals. Accessed February 2023 at: https://www.califaep.org/statute_and_guidelines.php

[83] Ibid. Section 15064.5(c).

[84] Op. Cit. Section 15064.5(d).

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
   (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
   (B) The descendant identified fails to make a recommendation; or
   (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.[85]

"(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."[86]

CEQA Guidelines: Paleontological Resources

Public Resources Code Section 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."

CEQA Guidelines Section 15126.4(b)

"(b) Mitigation Measures Related to Impacts on Historical Resources.
(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.
(3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
   (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
   (B) Preservation in place may be accomplished by, but is not limited to, the following:
      1. Planning construction to avoid archaeological sites;
      2. Incorporation of sites within parks, greenspace, or other open space;
      3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
      4. Deeding the site into a permanent conservation easement.
   (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health

[85] Op. Cit. Section 15064.5 (e).
[86] Op. Cit. Section 15064.5(f).

and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center."[87]

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 treatment of the remains and associated grave goods.

Local

Tulare County General Plan 2030 Update

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: *ERM-6.1 Evaluation of Cultural and Archaeological Resources* which states that the County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards; *ERM-6.2 Protection of Resources with Potential State or Federal Designations* wherein 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; *ERM-6.3 Alteration of Sites with Identified Cultural Resources* which states that when planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource; *ERM-6.4 Mitigation* – which states that 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; *ERM-6.7 Cooperation of Property Owners* where 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; *ERM-6.8 Solicit Input from Local Native Americans* (which is consistent with AB 52 in regards to Tribal Consultation) wherein 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; *ERM-6.9 Confidentiality of Archaeological Sites* which is also consistent with AB 52) where 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 of artifacts; and *ERM-6.10 Grading Cultural Resources Sites* wherein the County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq.

Project Impact Analysis:

[87] Op. Cit. Section 15126.4(b).

a)– b) Less Than Significant Impact With Mitigation: As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. Also as noted previously, cultural resources records search was conducted on March 20, 2023 by the Southern San Valley Historical Resources Information Center, at California State University, Bakersfield (Center) and the California Native American Heritage Commission (NHAC) Sacred Lands File (SLF) search (included in Attachment "C" of this document) were used as the basis for determining that the Project would result in a less than significant impact with mitigation. The records search included an examination of the National Register of Historic Places, the OHP Built Environment Resources Directory, the California Register of Historical Resources, California Points of Historical Interest, California Inventory of Historic Resources, and California State Historic Landmarks. There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks. There have been no previous cultural resource studies conducted within the project area, and there has been one cultural resource study within the one-half mile radius of TU-01764. Although no other cultural resources were identified in the records search, a potentially significant impact could occur if historical or archaeological resources were uncovered during Project construction-related activities. Although no cultural resources were identified within the Project area in the records search, there is a possibility that subsurface resources could be uncovered during Project construction-related activities. In such an unlikely event, potentially significant impacts to previously unknown subsurface resources may occur. However, implementation of the **Mitigation Measures 5-1** through **5-3** will reduce potential impacts in the unlikely event of encountering an historical or archaeological resource to a less than significant impact with mitigation.

c) Less Than Significant Impact With Mitigation: As noted in Items a) and b), CHRIS, NAHC, SLF searches, and consultation with Native American tribes did not identify any known remains or formal cemeteries. However, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an unlikely event, potentially significant impacts to previously unknown subsurface resources may occur. With the implementation of **Mitigation Measure 5-3**, inadvertent disturbance of any human remains (including those interred outside of formal cemeteries) resulting in the discovery of human remains would require work to halt in the vicinity of a find until the County coroner determines whether the remains are Native American in origin and, if they are, contacting the Native American Heritage Commission.

Cumulative Impact Analysis: **Less Than Significant Impact With Mitigation –** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and the Tulare County 2030 General Plan EIR.

It is not anticipated that cultural resources or Native American remains will be found at the Project site. However, consistent with CEQA requirements, **Mitigation Measures 5-1** through **5-3** are included in the unlikely event that if cultural resources or Native American remains are unearthed/discovered during any ground disturbance activities, such finds will be mitigated to less than significant Project-specific and Cumulative Impacts.

Mitigation Measure(s) See **Mitigation Measures 5-1** through **5-3** in Attachment "D" (in their entirety**)**

Summary of Mitigation Measures:

5-1 Discovery.

5-2 Cessation of Work/Preservation/Treatment Plan/PRC 21074

5-3 Implementation of Health and Safety Code section 7050.5, CEQA Guidelines Section 15064.5, PRC 5097.98

Therefore, implementation of **Mitigation Measure 5-1** through **5-3**, as applicable, would reduce impacts to less than significant.

VI. ENERGY

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Cultural Resources, etc. contained in the Tulare County General Plan 2030 Update and Tulare County Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

As noted in the Project and Operations Description for the Proposed Tulare 40 Project (Project and Operations Description); see Attachment "E" of this MND), the "Project construction would require the use of graders, trenchers, small tractors, a crane, and miscellaneous equipment. An estimated average of 125-150 construction-related vehicle trips per day would be used to import construction workers, PV module materials, substation equipment, distribution line and associated support poles, potential power storage (BESS) facilities, and the surfacing material for access roads."[88] "The construction of the Project would take approximately eight (8) months to complete. Initial site grading would take two (2) to three (3) weeks. The remainder of the construction period would consist of on-site assembly and installation of PV panels, which would not require heavy machinery. Construction would commence upon acquisition of all necessary permits, approvals, power sale, and financing. The Project would be constructed into [twenty-seven] (27) blocks, with [fifteen] (15) blocks in the northern proposed development area and twelve (12) blocks in the southern development area. Construction of the [twelve] (12) blocks in the southern development area would be initiated first. There may be a few months of delay in starting construction of the southern section, due to delays in SCE work. Separate staging areas in the northern portion of each development area would be used for material staging and storage, portable construction maintenance trailer, and construction parking." Upon completion of the final block, soils would be redistributed, and the site would be stabilized, and Project commissioning would ensue. [89] Also, following its proposed life of 35 years, the site would be decommissioned and reclaimed as required by the County. The comprehensive project description, including project components, is included in Attachment "E".

Regulatory Setting

Federal

Energy Policy Act of 2005

[88] Project and Operations Description for the Revised Project and Operations Description for the Tulare 40 Project Unincorporated Portion of Tulare, California (APN 196-030-004, APN 196-020-012). February 2023. Page 7. Prepared by Solar Land Partners, Inc., for Coldwell Solar 1, LLC. See Attachment "E" of this IS/MND.

[89] Ibid.

The Energy Policy Act of 2005 seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Act, consumers and businesses can obtain federal tax credits for purchasing fuel-efficient appliances and products, including buying hybrid vehicles, building energy-efficient buildings, and improving the energy efficiency of commercial buildings. Additionally, tax credits are available for the installation of qualified fuel cells, stationary microturbine power plants, and solar power equipment.

State

California Energy Commission

The California Energy Commission (CEC) was created in 1974 to serve as the state's primary energy policy and planning agency. The CEC is tasked with reducing energy costs and environmental impacts of energy use - such as greenhouse gas emissions - while ensuring a safe, resilient, and reliable supply of energy.

State of California Integrated Energy Policy (SB 1389)

In 2002, the Legislature passed Senate Bill 1389, which required the CEC to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for Zero Emission Vehicles and their infrastructure needs, and encouragement of urban designs that reduce vehicles miles traveled and accommodate pedestrian and bicycle access. The CEC adopted the 2013 Integrated Energy Policy Report on February 20, 2014. The 2013 Integrated Energy Policy Report provides the results of the CEC's assessment of a variety of issues, including:

- Ensuring that the state has sufficient, reliable, and sage energy infrastructure to meet current and future energy demands;
- Monitoring publicly-owned utilities' progress towards achieving 10-year energy efficiency targets; defining and including zero-net-energy goals in state building standards;
- Overcoming challenges to increased use of geothermal heat pump/ground loop technologies and procurement of biomethane;
- Using demand response to meet California's energy needs and integrate renewable technologies;
- Removing barriers to bioenergy development; planning for California's electricity infrastructure needs given potential retirement of power plants and the closure of the San Onofre Nuclear Generating Station;
- Estimating new generation costs for utility-scale renewable and fossil-fueled generation;
- Planning for new or upgraded transmission infrastructure;
- Monitoring utilities' progress in implementing past recommendations related to nuclear power plants;
- Tracking natural gas market trends;
- Implementing the Alternative and Renewable Fuel and Vehicle Technology Program;
- Addressing the vulnerability of California's energy supply and demand infrastructure to the effects of climate change; and
- Planning for potential electricity system needs in 2030.

Renewable Portfolio Standard (SB 1078 and SB 107)

Established in 2002 under SB 1078, the State's Renewables Portfolio Standard (RPS) was amended under SB 107 to require accelerated energy reduction goals by requiring that by the year 2010, 20 percent of electricity sales in the state be served by renewable energy resources. In years following its adoption, Executive Order S-14-08 was signed, requiring electricity retail sellers to provide 33 percent of their service loads with renewable energy by the year 2020. In 2011, SB X1-2 was signed, aligning the RPS target with the 33 percent requirement by the year 2020. This new RPS applied to all state electricity retailers, including publicly owned utilities, investor-owned utilities, electrical service providers, and community choice aggregators. All entities included under the RPS were required to adopt the RPS 20 percent by year 2020 reduction goal by the end of 2013, adopt a reduction goal of 25 percent by the end of 2016, and meet the 33 percent reduction goal by the end of 2020. In addition, the Air Resources Board (ARB), under Executive Order S-21-09, was required to adopt regulations consistent with these 33 percent renewable energy targets.

California Energy Code (Title 24, Part 6, Building Energy Efficiency Standards)

California Code of Regulations Title 24, Part 6 comprises the California Energy Code, which was adopted to ensure that building construction, system design and installation achieve energy efficiency. The California Energy Code was first established in 1978 by the CEC in response to a legislative mandate to reduce California's energy consumption, and apply to energy consumed for heating, cooling, ventilation, water heating, and lighting in new residential and non-residential buildings. The standards are updated periodically to increase the baseline energy efficiency requirements. The 2013 Building Energy Efficiency Standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements to enable both demand reductions during critical peak periods and future solar electric and thermal system installations. Although it was not originally intended to reduce greenhouse gas (GHG) emissions, electricity production by fossil fuels results in GHG emissions and energy efficient buildings require less electricity. Therefore, increased energy efficiency results in decreased GHG emissions.

California Global Warming Solutions Act of 2006 (Assembly Bill 32)

Assembly Bill 32 (Health and Safety Code Sections 38500–38599; AB 32), also known as the California Global Warming Solutions Act of 2006, commits the state to achieving year 2000 GHG emission levels by 2010 and year 1990 levels by 2020. To achieve these goals, AB 32 tasked the CPUC and CEC with providing information, analysis, and recommendations to the ARB regarding ways to reduce GHG emissions in the electricity and natural gas utility sectors.

"In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the California Air Resources Board (ARB or Board) to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the Board in 2008 and must be updated every five years. The First Update to the Climate Change Scoping Plan was approved by the Board on May 22, 2014. In 2016, the Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan."[90] California's 2017 Climate Change Scoping Plan was adopted in December 2018. The plan identifies the State's strategy for achieving the 2030 emission reduction targets.

Clean Energy and Pollution Reduction Act (SB 350)

The Clean Energy and Pollution Reduction Act (SB 350) was passed by California Governor Brown on October 7, 2015, and establishes new clean energy, clean air, and GHG reduction goals for the year 2030 and beyond. SB 350 establishes a GHG target of 40 percent below 1990 levels for the State of California, further enhancing the ability for the state to meet the goal of reducing GHG emissions by 80 percent below 1990 levels by the year 2050.

Renewable Portfolio Standard (SB 1078 and SB 107)

Established in 2002 under SB 1078, the state's Renewables Portfolio Standard (RPS) was amended under SB 107 to require accelerated energy reduction goals by requiring that by the year 2010, 20 percent of electricity sales in the state be served by renewable energy resources. In years following its adoption, Executive Order S-14-08 was signed, requiring electricity retail sellers to provide 33 percent of their service loads with renewable energy by the year 2020. In 2011, SB X1-2 was signed, aligning the RPS target with the 33 percent requirement by the year 2020. This new RPS applied to all state electricity retailers, including publicly owned utilities, investor-owned utilities, electrical service providers, and community choice aggregators. All entities included under the RPS were required to adopted the RPS 20 percent by year 2020 reduction goal by the end of 2013, adopt a reduction goal of 25 percent by the end of 2016, and meet the 33 percent reduction goal by the end of 2020. In addition, the Air Resources Board, under Executive Order S-21-09, was required to adopt regulations consistent with these 33 percent renewable energy targets.

Environmental Quality Act (CEQA) Requirements

"In 1974, the Legislature adopted the Warren-Alquist State Energy Resources Conservation and Development Act. (Pub. Resources Code, § 25000 et seq.) That act created what is now known as the California Energy Commission, and enabled it to adopt building energy standards. (See, e.g., id. at § 25402.) At that time, the Legislature found the "rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state's environmental quality." (Id. at § 25002; see also § 25007 ("It is further the policy of the state and

[90] Air Resources Board. AB 32 Scoping Plan. Accessed February 2023 at: https://ww3.arb.ca.gov/cc/scopingplan/scopingplan.htm.

the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals"))

The same year that the Legislature adopted Warren-Alquist, it also added section 21100(b)(3) to CEQA, requiring environmental impact reports to include "measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." As explained by a court shortly after it was enacted, the "energy mitigation amendment is substantive and not procedural in nature and was enacted for the purpose of requiring the lead agencies to focus upon the energy problem in the preparation of the final EIR." (People v. County of Kern (1976) 62 Cal.App.3d 761, 774 (emphasis added)). It compels an affirmative investigation of the project's potential energy use and feasible ways to reduce that use.

Though Appendix F of the CEQA Guidelines has contained guidance on energy analysis for decades, implementation among lead agencies has not been consistent. (See, e.g., California Clean Energy Committee v. City of Woodland, supra, 225 Cal.App.4th 173, 209.) While California is a leader in energy conservation, the importance of addressing energy impacts has not diminished since 1974. On the contrary, given the need to avoid the effects of climate change, energy use is an issue that we cannot afford to ignore. As the California Energy Commission's Integrated Energy Policy Report (2016) explains:

> Energy fuels the economy, but it is also the biggest source of greenhouse gas emissions that lead to climate change. Despite California's leadership, Californians are experiencing the impacts of climate change including higher temperatures, prolonged drought, and more wildfires. There is an urgent need to reduce greenhouse gas emissions and increase the state's resiliency to climate change. With transportation accounting for about 37 percent of California's greenhouse gas emissions in 2014, transforming California's transportation system away from gasoline to zero emission and near-zero-emission vehicles is a fundamental part of the state's efforts to meet its climate goals. Energy efficiency and demand response are also key components of the state's strategy to reduce greenhouse gas emissions. (Id. at pp. 5, 8, 10.) Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. OPR today proposes to add a subdivision in section 15126.2 on energy impacts to further elevate the issue, and remove any question about whether such an analysis is required."[91]

Further, an "Explanation of Proposed Amendments" contained in the Proposed Update (and now adopted amendments) to the CEQA Guidelines documents stated that OPR proposed to add a new subdivision (b) to section 15126.2 which discusses the required contents of an environmental impact report. The new subdivision would specifically address the analysis of a project's potential energy impacts. This addition is necessary for several reasons explained as follows. [92]

> "The first sentence clarifies that an EIR must analyze whether a project will result in significant environmental effects due to "wasteful, inefficient, or unnecessary consumption of energy." This clarification is necessary to implement Public Resources Code section 21100(b)(3). Since the duty to impose mitigation measures arises when a lead agency determines that the project may have a significant effect, section 21100(b)(3) necessarily requires both analysis and a determination of significance in addition to energy efficiency measures. (Pub. Resources Code, § 21002.)
>
> The second sentence further clarifies that all aspects of the project must be considered in the analysis. This clarification is consistent with the rule that lead agencies must consider the "whole of the project" in considering impacts. It is also necessary to ensure that lead agencies consider issues beyond just building design. (See, e.g., California Clean Energy Com. v. City of Woodland, supra, 225 Cal.App.4th at pp. 210-212.) The analysis of vehicle miles traveled provided in proposed section 15064.3 (implementing Public Resources Code section 21099 (SB 743)) on transportation impacts may be relevant to this analysis.
>
> The third sentence signals that the analysis of energy impacts may need to extend beyond building code compliance. (Ibid.) The requirement to determine whether a project's use of energy is "wasteful, inefficient, and unnecessary" compels consideration of the project in its context. (Pub. Resources Code, § 21100(b)(3).) While building code compliance is a relevant factor, the generalized rules in the building code will not necessarily indicate whether a particular project's energy use could be improved. (Tracy First v. City of Tracy (2009) 177 Cal.App.4th 912, 933 (after analysis, lead agency concludes that project proposed to be at least 25% more energy efficient than the building code requires would have a less than significant impact); see also CEQA Guidelines, Appendix F, § II.C.4 (describing building code compliance as one of several different considerations in determining the significance of a project's

[91] State of California. Governor's Office of Planning and Research. Proposed Update to the CEQA Guidelines. November 2017. Pages 65-66. Accessed February 2023 at: http://opr.ca.gov/docs/20171127_Comprehensive_CEQA_Guidelines_Package_Nov_2017.pdf

[92] Ibid. 66.

energy impacts).) That the Legislature added the energy analysis requirement in CEQA at the same time that it created an Energy Commission authorized to impose building energy standards indicates that compliance with the building code is a necessary but not exclusive means of satisfying CEQA's independent requirement to analyze energy impacts broadly.

The new proposed [now adopted] subdivision (b) also provides a cross-reference to Appendix F. This cross-reference is necessary to direct lead agencies to the more detailed provisions contained in that appendix. Finally, new proposed subdivision (b) cautions that the analysis of energy impacts is subject to the rule of reason, and must focus on energy demand actually caused by the project. This sentence is necessary to place reasonable limits on the analysis. Specifically, it signals that a full "lifecycle" analysis that would account for energy used in building materials and consumer products will generally not be required. (See also Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (Dec. 2009) at pp. 71-72.)"[93]

Specifically, Section 15121.6 added new sub-section (b), to wit: "(b) Energy Impacts. If the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy, the EIR shall analyze and mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. (Guidance on information that may be included in such an analysis is presented in Appendix F.) This analysis is subject to the rule of reason and shall focus on energy demand that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions or utilities in the discretion of the lead agency."[94]

CEQA Thresholds of Significance

- Result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy.
- The project's energy use for all project phases and components, including transportation-related energy, during construction and operation.
- The project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.
- Analysis is subject to the rule of reason and shall focus on energy demand that is caused by the project.

Local

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: *ERM-4.1 Energy Conservation and Efficiency Measures* wherein the County encourages the use of solar energy, solar hot water panels, and other energy conservation and efficiency features; *ERM-4.2 Streetscape and Parking Area Improvements for Energy Conservation* – wherein the County shall promote the planting and maintenance of shade trees along streets and within parking areas of new urban development to reduce radiation heating; and *ERM-4.3 Local and State Programs* wherein the County shall participate, to the extent feasible, in local and State programs that strive to reduce the consumption of natural or man-made energy sources.

Project Impact Analysis:

a)and b) No-to-Less Than Significant Impact: The energy requirements for the Project were determined using the construction- and operational-related estimates generated from the Air Quality Analysis Memorandum (Memo, refer to Attachment "A" for related CalEEMod output files). The calculation worksheets for diesel fuel consumption rates for off-road construction equipment and on-road vehicles are provided in Attachment "C" of Attachment "A" of this MND. Short-term construction-related energy consumption is discussed below. The Project will not have a direct or cumulative impact, or create wasteful, inefficient, or unnecessary consumption of energy resources during project construction-related activities or operations. Also, it will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The only energy consumed would be through the use of fossil fuels (gasoline and diesel operated equipment) during construction-related activities which will be completed in approximately eight months and through the use of water

[93] Op. Cit. 66-67.

[94] Op. Cit. 67-68.

trucks for annual-to-biannual panel washing. A such, construction-related and panel washing activities will be short-term, temporary, and intermittent. The Project will not use any energy per se over the next 35 years of its anticipated life; rather, it will be a renewable energy (electricity) generator. The Project will directly support SB 100, which mandates that 100 percent of electricity in California be obtained by zero-carbon energy sources by 2045 and updates the state's Renewable Portfolio Standards (RPS). Additionally, the Project will support the following Tulare County General Plan Policies because it will assist the County in encouraging the development of renewable energy sources. As the Project is an energy generator, there will be a beneficial impact to the Energy resource. As such, the Project will result in no adverse impact to this resource.

Based on the above information, the Project would not result in the inefficient or wasteful consumption of electricity or natural gas, and impacts would be less than significant. Conversely, the Project would provide a benefit as it would provide emission-free, solar powered electrical energy to the California electrical grid to assist with meeting regional energy demands, State Renewable Portfolio Standards, as well as Assembly Bill (AB) 32 and Senate Bill (SB) 350 and 100 mandates. The Project would provide approximately 40 MW of renewable energy with associated potential Resource Adequacy and Full Capacity Deliverability. Resource Adequacy allows the utility to use this system for annual guaranteed supply as required by the California Independent System Operator (CAISO) and the California Public Utilities Commission. Full Capacity Deliverability status certifies that the CAISO system (the grid) has sufficient capacity to ensure delivery of the Project's full expected energy output to the whole CAISO system.

Cumulative Impact Analysis: **Less Than Significant Impact -** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, Tulare County 2030 General Plan EIR, and technical study memorandum in Attachment "A".

The Project will only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As noted earlier, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Rather, the Project will result in an energy resource benefit. Therefore, there will be no cumulative impacts related to this Checklist Item.

VII. GEOLOGY/SOILS

Would the project:	Significant Impact	Less Than Significant Impact With Mitigation	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 No. 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 Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☒	☐

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Geology and Soils, etc.; contained in the Tulare County General Plan 2030 Update and Tulare County Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"Tulare County is divided into two major physiographic and geologic provinces: the Sierra Nevada Mountains and the Central Valley. The Sierra Nevada Physiographic Province, in the eastern portion of the county, is underlain by metamorphic and

igneous rock. It consists mainly of homogeneous granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley Province, underlain by marine and non-marine sedimentary rocks. It is basically a flat, alluvial plain, with soil consisting of material deposited by the uplifting of the mountains. The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams that carry runoff from the Sierra Nevada Mountains. This gently rolling topography is punctured in many areas by outcropping soft bedrock. The native mountain soils are generally quite dense and compact"[95]

"The Central Valley is an asymmetrical structural trough filled with marine and continental sediments up to 15-kilometers (km) thick covering an area of more than 50,000 square kilometers (km^2), bounded by the Cascade Range to the north, the Sierra Nevada ranges to the east, the Klamath Mountains and Coast Ranges to the west, and the Tehachapi Mountains to the south. The aquifer system in the Central Valley comprises unconfined, semi-confined, and confined aquifers, which are primarily contained within the upper 300 meters (m; though some wells exceed that depth) of alluvial sediments deposited by streams draining the surrounding Sierra Nevada and Coast Ranges (Page, 1986; California Department of Water Resources, 2003; Faunt, 2009). The [Sacramento] SAC occupies the northern third of the Central Valley and the [San Joaquin Valley] SJV occupies the southern two-thirds of the Central Valley (Fig. 1 [in the Scientific Investigations Report 2019-506]). The SJV is often further divided into the San Joaquin River Basin, which occupies the northern half of the SJV, and the Tulare Basin, which occupies the southern half of SJV. The Tulare Basin is, hydrologically, a closed basin, but it receives imported water from the San Joaquin and Sacramento Rivers. These will collectively be referred to as the SJV. In much of the western side of the SJV, the aquifer system is divided into an upper and lower zone by the Corcoran Clay Member of the Tulare Formation, a regionally extensive clay layer that limits vertical movement of groundwater (Page, 1986; Williamson and others, 1989; Belitz and Heimes, 1990; Burow and others, 2004). Both zones of the aquifer in the area of the Corcoran Clay generally are tapped for groundwater withdrawals (Shelton and others, 2013; Fram, 2017)."[96]

Geology & Seismic Hazards

Seismic hazards, such as earthquakes, can cause loss of human life and property damage, disrupt the local economy, and undermine the fiscal condition of a community. Secondary seismic hazards, including subsidence and liquefaction, can cause building and infrastructure damage. The following is not an exhaustive discussion of every geologic/seismic hazard; it is merely an overview to provide the reader with a general understanding of considerations of geologic/seismic hazard conditions present within the geographic proximity of the Project. As indicated in the analysis section later in this section, existing state/local codes, standards, plans, policies, regulations, etc., would be sufficient to minimize/mitigate potential impacts from these resources.

Seismicity

"Seismicity varies greatly between the two major geologic provinces represented in Tulare County. The Central Valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada Mountains, partially located within Tulare County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Range on the west side of the Central Valley is also a result of these forces, and the continued uplifting of Pacific and North American tectonic plates continues to elevate these ranges. The remaining seismic hazards in Tulare County generally result from movement along faults associated with the creation of these ranges.

Earthquakes are typically measured in terms of magnitude and intensity. The most commonly known measurement is the Richter Scale, a logarithmic scale which measures the strength of a quake. The Modified Mercalli Intensity Scale measures the intensity of an earthquake as a function of the following factors:

- Magnitude and location of the epicenter;
- Geologic characteristics;
- Groundwater characteristics;
- Duration and characteristic of the ground motion;
- Structural characteristics of a building."[97]

[95] Tulare County 2030 General Plan 2030 Update Background Report. Page 8-4 through 8-5.

[96] United States Department of the Interior United States Geologic Survey. "Delineation of Spatial Extent, Depth, Thickness, and Potential Volume of Aquifers Used for Domestic and Public Water-Supply in the Central Valley, California. Scientific Investigations Report 2019-5076 (SIR). Page 2. Accessed March 2023 at: https://pubs.usgs.gov/sir/2019/5076/sir20195076.pdf.

[97] Tulare County General Plan 2030 Update. General Plan Background Report. Page 8-5. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents.html, locate "Recirculated Draft Environmental Impact Report (February 2010 Draft)" then click on "Appendix B-Background Report."

Faults

"Faults are the indications of past seismic activity. It is assumed that those that have been active most recently are the most likely to be active in the future. Recent seismic activity is measured in a geologic timescale. Geologically recent is defined as having occurred within the last two million years (the Quaternary Period). All faults believed to have been active during Quaternary time are considered "potentially active."[98]. "In 1973, five counties within the Southern San Joaquin Valley undertook the preparation of the Five County Seismic Safety Element to assess seismic hazards… In general, zones C1, S1, and V1 are safer than zones C2, S2, and V2. Hazards due to groundshaking are considered to be "minimal" in the S1 Zone and "minimal" to "moderate" in the S2 and S2S Zones. Development occurring within the S1 Seismic Zone must conform to the Uniform Building Code-Zone II; while development within the S2 Zone must conform to Uniform Building Code-Zone III. There are three faults within the region that have been, and will be, principal sources of potential seismic activity within Tulare County. These faults are described below:

- **San Andreas Fault** is located approximately 40 miles west of the Tulare County boundary and [approximately] 60 miles west of the project area. This fault has a long history of activity, and is thus the primary focus in determining seismic activity within the County. Seismic activity along the fault varies along its span from the Gulf of California to Cape Mendocino. Just west of Tulare County lays the "Central California Active Area," section of the San Andreas Fault where many earthquakes have originated.

- **Owens Valley Fault Group** is a complex system containing both active and potentially active faults, located on the eastern base of the Sierra Nevada Mountains approximately [approximately] 60 miles east of the project area. The Group is located within Tulare and Inyo Counties and has historically been the source of seismic activity within Tulare County.

- **Clovis Fault** is considered to be active within the Quaternary Period, although there is no historic evidence of its activity, and is therefore classified as "potentially active." This fault lies approximately six miles south of the Madera County boundary in Fresno County and [approximately] 70 miles north of the project area. Activity along this fault could potentially generate more seismic activity in Tulare County than the San Andreas or Owens Valley fault systems. In particular, a strong earthquake on the Fault could affect northern Tulare County. However, because of the lack of historic activity along the Clovis Fault, inadequate evidence exists for assessing maximum earthquake impacts." [99]

There are other unnamed faults north of Bakersfield and near Tulare Buttes (about 30 miles north of Porterville). These faults are small and have exhibited activity in the last 1.6 million years, but not in the last 200 years. It is also possible, but unlikely, that previously unknown faults could become active in the area. [100] As shown in **Figure 7-1**, the Project parcel site is not within an earthquake fault zone.[101] Although not shown on this map, the Earthquake Hazard Zone map notes the same information for Avenue 208/Road 164, which is the location of SCE's Bliss Substation.(located at the southwest intersection of Avenue 208 and Road 164). Lastly, no Alquist-Priolo Earthquake Fault Zones or known active faults are in or near the Project area. [102]

Groundshaking

"Ground-shaking is the primary seismic hazard in Tulare County because of the county's seismic setting and its record of historical activity. Thus, emphasis focuses on the analysis of expected levels of ground-shaking, which is directly related to the magnitude of a quake and the distance from a quake's epicenter. Magnitude is a measure of the amount of energy released in an earthquake, with higher magnitudes causing increased ground-shaking over longer periods of time, thereby affecting a larger area. Ground-shaking intensity, which is often a more useful measure of earthquake effects than magnitude, is a qualitative measure of the effects felt by population."[103] "The San Joaquin Valley portion of Tulare County is located on alluvial deposits, which tend to experience greater ground-shaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from ground-shaking than those located in the foothill and mountain areas. However, existing alluvium valleys and weathered or decomposed zones are scattered throughout the mountainous portions of the county

[98] Ibid.

[99] Op. Cit. 8-5 through 8-7.

[100] California Department of Conservation (CA DOC). California Geological Survey. Fault Activity Map. Accessed March 2023 at: https://maps.conservation.ca.gov/cgs/fam/

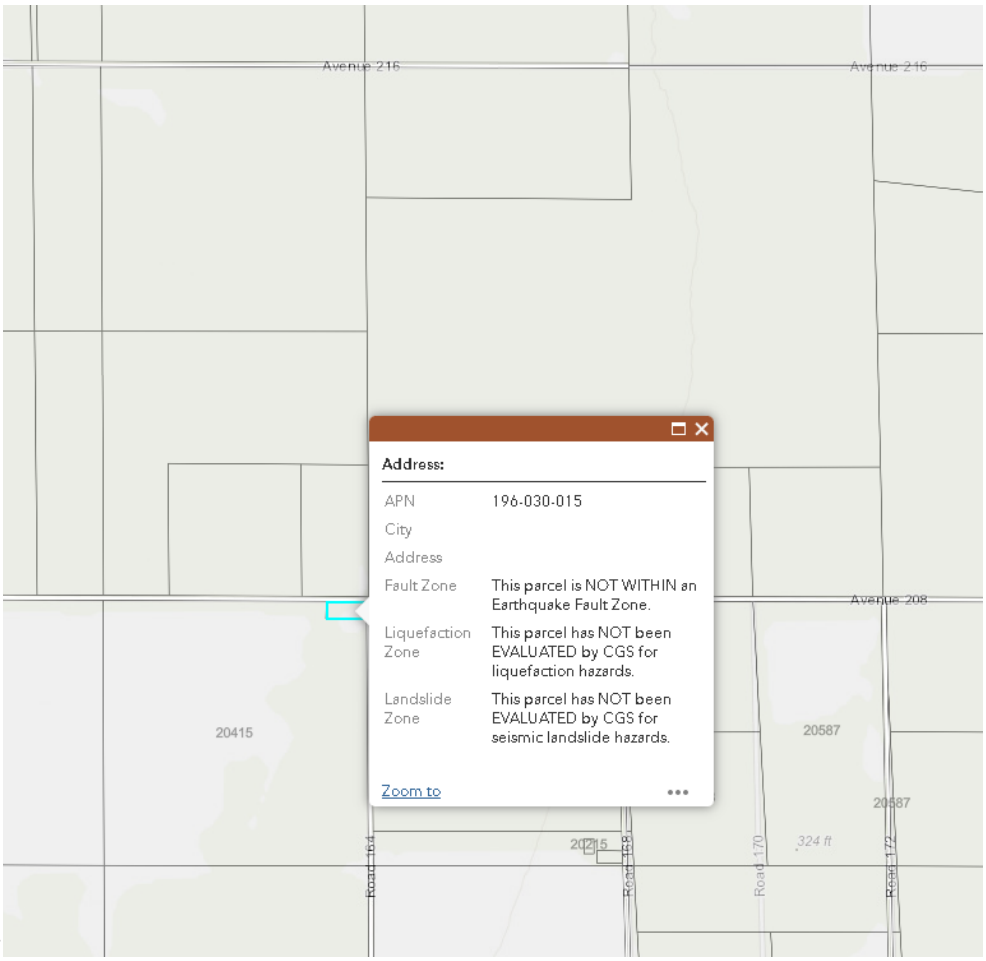
[101] CA DOC. EQ Zapp: California Earthquake Hazards Zone Application. Earthquake Zones of Required Investigation. Accessed March 2023. See: https://maps.conservation.ca.gov/cgs/EQZApp/app/

[102] CA DOC. Fault Activity Map of California. Accessed March 2023 at: https://maps.conservation.ca.gov/cgs/fam/app/.

[103] Tulare County General Plan 2030 Update. General Plan Background Report. Page 8-7.

which could also experience stronger intensities than the surrounding solid rock areas. The geologic characteristics of an area can therefore be a greater hazard than its distance to the epicenter of the quake."[104] "Older buildings constructed before current building codes were in effect, and even newer buildings constructed before earthquake resistance provisions were included in the current building codes, are most likely to suffer damage in an earthquake. Most of Tulare County's buildings are no more than one or two stories in height and are of wood frame construction, which is considered the most structurally resistant to earthquake damage. Older masonry buildings (without earthquake resistance reinforcement) are the most susceptible to structural failure, which causes the greatest loss of life. The State of California has identified unreinforced masonry buildings (URMs) as a safety issue during earthquakes. In high risk areas ([for example,] Bay Area), inventories and programs to mitigate this issue are required. Because Tulare County is not a high-risk area, state law only recommends that programs to retrofit URMs are adopted by jurisdictions."[105] According to information provided by USGS Earthquake Scenario Map (BSSC 2014), the Project area is located within the low shaking potential zone.[106] **Figure 7-1** shows the SCE Bliss Substation as the Project site does not contain an address and both are located on an identical geological area.

Figure 7-1
Earthquake Hazard Zone



Liquefaction

[104] Ibid.
[105] Op. Cit.8-8.
[106] United States Geologic Survey. Earthquake Shaking Potential for California Map (rev. 2016). Accessed February 2023 at: https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Fgis.conservation.ca.gov%2Fserver%2Frest%2Fservices%2FCGS%2FMS48_ShakingPotential%2FMapServer&source=sd

"Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged groundshaking. Areas most prone to liquefaction are those that are water saturated (e.g., where the water table is less than 30 feet below the surface) and consist of relatively uniform sands that are low to medium density. In addition to necessary soil conditions, the ground acceleration and duration of the earthquake must be of sufficient energy to induce liquefaction. Scientific studies have shown that the ground acceleration must approach 0.3g before liquefaction occurs in a sandy soil with relative densities typical of the San Joaquin alluvial deposits."

"Liquefaction during major earthquakes has caused severe damage to structures on level ground as a result of settling, tilting, or floating. Such damage occurred in San Francisco on bay-filled areas during the 1989 Loma Prieta earthquake, even though the epicenter was several miles away. If liquefaction occurs in or under a sloping soil mass, the entire mass may flow toward a lower elevation, such as that which occurred along the coastline near Seward, Alaska during the 1964 earthquake. Also of particular concern in terms of developed and newly developing areas are fill areas that have been poorly compacted. No specific countywide assessments to identify liquefaction hazards have been performed in Tulare County. Areas where groundwater is less than 30 feet below the surface occur primarily in the valley. However, soil types in the area are not conducive to liquefaction because they are either too coarse or too high in clay content. Areas subject to 0.3g acceleration or greater are located in a small section of the Sierra Nevada Mountains along the Tulare-Inyo County boundary. However, the depth to groundwater in such areas is greater than in the valley, which would minimize liquefaction potential as well. Detailed geotechnical engineering investigations would be necessary to more accurately evaluate liquefaction potential in specific areas and to identify and map the areal extent of locations subject to liquefaction."

As shown in **Figure 7-1**, it is noted that the State of California has not yet evaluated this area for seismically induced landslide and liquefaction hazard.

Settlement

"Settlement can occur in poorly consolidated soils during ground-shaking. During settlement, the soil materials are physically rearranged by the shaking and result in reduced stabling alignment of the individual minerals. Settlement of sufficient magnitude to cause significant structural damage is normally associated with rapidly deposited alluvial soils, or improperly founded or poorly compacted fill. These areas are known to undergo extensive settling with the addition of irrigation water, but evidence due to ground-shaking is not available. Fluctuating groundwater levels also may have changed the local soil characteristics. Sufficient subsurface data is lacking to conclude that settlement would occur during a large earthquake; however, the data is sufficient to indicate that the potential exists in Tulare County."

Other Geologic Hazards

Landslides

"Landslides are a primary geologic hazard and are influenced by four factors:

- Strength of rock and resistance to failure, which is a function of rock type (or geologic formation);
- Geologic structure or orientation of a surface along which slippage could occur;
- Water (can add weight to a potentially unstable mass or influence strength of a potential failure surface); and,
- Topography (amount of slope in combination with gravitation forces).

"As of June 2009, the California Geological Survey had not developed landslide hazard identification maps for Tulare County. However, it is reasonable to assume that certain areas in Tulare County are more prone to landslides than other areas… [As such,] There is no risk of large landslides in the valley area of the county due to its relatively flat topography."[107]

Subsidence

"Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. Subsidence caused by groundwater withdrawal generally presents a more serious problem, since it can affect large areas. Oil and gas withdrawal, on the other hand, tends to affect smaller, localized areas. Some areas of the Central Valley have subsided more than 20 feet during the past 50 years." [108]

[107] Op. Cit. 8-10.

[108] Op. Cit. 8-10 through 8-11.

Seiche

"A seiche is a standing wave produced in a body of water such as a reservoir, lake, or harbor, by wind, atmospheric changes, or earthquakes. Seiches have the potential to damage shoreline structures, dams, and levees…Since this is less than wave heights that could be expected from wind induced waves, earthquake-induced seiches are not considered a risk in Tulare County. In addition, the effects from a seiche would be similar to the flood hazard for a particular area, and the risk of occurrence is perceived as considerably less than the risk of flooding."[109]

Volcanic Hazard

"The nearest volcanoes lie to the northeast of Tulare County in Mono County, in the Mammoth Lakes/Long Valley area. The most serious effect on Tulare County of an eruption in the Mammoth Lakes, area according to the California Geological Survey, would be ash deposition."[110] "A volcanic eruption during the winter could result in snowmelt and lead to flooding. The state has formulated a contingency plan, the "Long Valley Caldera Response Plan," designed to notify the public in the event of an earthquake in the Long Valley area (outside of Tulare County)."[111]

Paleontology

"Paleontological resources are any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, with the exception of materials associated with an archaeological resource (as defined in Section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb[1]), or any cultural item as defined in Section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)."[112] According to the Paleontological Resources Preservation Act (PRPA) of 2009, "Section 6301 defines a paleontological resource as any fossilized remains, traces, or imprints of organisms, preserved in or on the Earth's crust, that are of paleontological interest and provide information about the history of life on Earth." [113] "According to the University of California Museum of Paleontology (UCMP), 12 paleontological resources have been recorded in Tulare County, generally within the valley portion of the County. These resources primarily consist of invertebrates, vertebrate, and plant fossils (UCMP, 2009)."[114] 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 also applies to paleontological resources.

Soil Characteristics

"The San Joaquin Valley portion of Tulare County is located on alluvial deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas. However, existing alluvium valleys and weathered or decomposed zones are scattered throughout the mountainous portions of the county which could also experience stronger intensities than the surrounding solid rock areas. The geologic characteristics of an area can therefore be a greater hazard than its distance to the epicenter of the quake."[115] Resource Item 3 Agricultural Resources and Forestry, provides additional information regarding soil characteristics within the Project area.

Regulatory Setting

Federal

None that apply to the Project.

State

[109] Op. Cit. 8-11.
[110] Op. Cit.
[111] Op. Cit.
[112] Op. Cit. 9-43.
[113] U.S. Department of the Interior. Bureau of Land Management. Fact Sheet. Accessed February 2023 at: https://www.blm.gov/sites/blm.gov/files/programs_paleontology_quicklinks_PRPA%20fact%20sheet.pdf.
[114] Op. Cit. 9-53.
[115] Tulare County General Plan 2030 Update. Background Report. Page 8-7.

Seismic Hazards Mapping Act

"Under the Seismic Hazards Mapping Act, the State Geologist is responsible for identifying and mapping seismic hazards zones as part of the California Geologic Survey (CGS). The CGS provides zoning maps of non-surface rupture earthquake hazards (including liquefaction and seismically induced landslides) to local governments for planning purposes. These maps are intended to protect the public from the risks associated with strong ground shaking, liquefaction, landslides or other ground failure, and other hazards caused by earthquakes. For projects within seismic hazard zones, the Seismic Hazards Mapping Act requires developers to conduct geological investigations and incorporate appropriate mitigation measures into project designs before building permits are issued."[116]

California Building Code

"The California Building Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2, which is a portion of the California Building Standards Code. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards."[117] The 2022 California Building Standards Code (Cal. Code Regs., Title 24) is effective January 1, 2023. [118]

Alquist-Priolo Earthquake Fault Zoning Act

"The Alquist- Priolo Earthquake Fault Zoning Act (formerly the Alquist- Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazards associated with fault rupture and to prohibit the location of most structures for human occupancy across these traces."[119]

State Water Resources Control Board and Regional Water Quality Control Board

National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity- Water Quality Order 99-08 DWQ.

Typically, General Construction Storm Water NPDES permits are issued by the RWQCB for grading and earth-moving activities. The General Permit is required for construction activities that disturb one or more acres. The General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which specifies practices that include prevention of all construction pollutants from contacting stormwater with the intent of keeping all products of erosion form moving off site into receiving waters. The NPDES permits are issued for a five-year term. NPDES general permits require adherence to the Best Management Practices (BMPs) including:

- Site Planning Consideration- such as preservation of existing vegetation.
- Vegetation Stabilization- through methods such as seeding and planting.
- Physical Stabilization- through use of dust control and stabilization measures.
- Diversion of Runoff – by utilizing earth dikes and temporary drains and swales.
- Velocity Reduction – through measures such as slope roughening/terracing.
- Sediment Trapping/Filtering – through use of silt fences, straw bale and sand bag filters, and sediment traps and basins.

Local

Tulare County General Plan

The General Plan has a number of policies that apply to projects within Tulare County. General Plan policies that relate to the Project include: *HS-1.2 Development Constraints* wherein the County shall permit development only in areas where the potential danger to the health and safety of people and property can be mitigated to an acceptable level*; HS-1.3 Hazardous*

[116] Op. Cit. 3.6-9.
[117] Op. Cit.
[118] California Department of General Services (DGS) Building Standards Commission Accessed February 2023 at: https://www.dgs.ca.gov/BSC/Codes or Codes (ca.gov)
[119] Ibid.

Lands wherein the County shall designate areas with a potential for significant hazardous conditions for open space, agriculture, and other appropriate low intensity uses; *HS-1.5 Hazard Awareness and Public Education* wherein the County shall continue to promote awareness and education among residents regarding possible natural hazards, including soil conditions, earthquakes, flooding, fire hazards, and emergency procedures; *HS-1.11 Site Investigations* wherein the County shall conduct site investigations in areas planned for new development to determine susceptibility to landslides, subsidence/settlement, contamination, and/or flooding; *HS-2.1 Continued Evaluation of Earthquake Risks* wherein the County shall continue to evaluate areas to determine levels of earthquake risk; *HS-2.4 Structure Siting* The wherein the County shall permit development on soils sensitive to seismic activity permitted only after adequate site analysis, including appropriate siting, design of structure, and foundation integrity; *HS-2.7 Subsidence* wherein the County shall confirm that development is not located in any known areas of active subsidence; *HS-2.8 Alquist-Priolo Act Compliance* wherein The County shall not permit any structure for human occupancy to be placed within designated Earthquake Fault Zones; *WR-2.2 NPDES Enforcement* wherein 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* wherein 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 effects of construction activities, agricultural operations requiring a County Permit and urban runoff in coordination with the Water Quality Control Board; and *WR-2.4 Construction Site Sediment Control* wherein the County shall continue to enforce provisions to control erosion and sediment from construction sites.

Subdivision of Land

The County subdivision regulations, contained in Chapter 1 of Part VII of the Ordinance Code, require that preliminary and final geological and hydrological reports be prepared by a registered civil engineer or registered professional geologist for all subdivisions. Section 7-01-1610 requires the preparation of a preliminary report to provide an analysis of potential geological hazards, stability of soils, seismicity, potential erosion and sedimentation. Section 7-01-1725 requires the preparation of a final report which is to include more definitive evaluation of these factors and to recommend solutions for all identified hazards and problems. Section 7-01-1740 provides that if the final geological hydrological report indicates the presence of critically expansive or loosely deposited soils or other soil problems that could lead to structural defects, a soil investigation shall be prepared to recommend corrective action.[120]

Tulare County Building and Grading Regulations

The Tulare County Code, at Section 7-15-1066, adopts and incorporates by reference the 2019 Edition of the California Building Code (CBC) as the Tulare County Building Regulations.[121] The CBC is described earlier in this section. Appendix J of the CBC requires the issuance of grading permits prior to commencement of site grading, and provides for the submittal of a soils report and engineering geology report, as required by the Building Official, in support of grading plans. The recommendations contained in the reports and approved by the Building Official are required to be incorporated into the grading plans or specifications.

Ordinance Code Article 7 – Excavation and Grading, sets forth additional requirements including provisions for sediment control and revegetation details.[122] Ordinance Code Article 27 – Storm Water Quality and Regulation, addresses the control of storm water discharges and compliance with the provisions of the County's National Pollutant Discharge Elimination System (NPDES) permit, including preparation of Storm Water Pollution Prevention Plans (SWPPPs) and implementation of Best Management Practices (BMPs).[123] (See Item 10 Hydrology and Water Quality for discussion and analysis related to storm water runoff and water quality.)

Five County Seismic Safety Element (FCSSE)

The FCSSE report represents a cooperative effort between the governmental entities within Fresno, Kings, Madera, Mariposa and Tulare Counties to develop an adoptable Seismic Safety Element as required by State law. Part I, the Technical Report, is designed to be used when necessary to provide background for the Summary document. Part II, the Summary Report,

[120] Tulare County. Chapter 1 of Part VII of the Ordinance Code. ARTICLE 7. PRELIMINARY MAP. Section 7-01-1610; ARTICLE 9 TENTATIVE MAP. Sections 7-01-1725 and 7-01-1740. Accessed February 2023 at: https://www.codepublishing.com/CA/TulareCounty/html/TulareCounty07/TulareCounty0701.html

[121] Ibid. Section 7-15-1066 ADOPTION OF CALIFORNIA BUILDING CODE, PART 2, AND VOLUMES 1 AND 2, INCLUDING APPENDICES C, F, G, H, I AND J. Accessed February 2023 at: https://www.codepublishing.com/CA/TulareCounty/html/TulareCounty07/TulareCounty0715.html

[122] Op. Cit. ARTICLE 7 EXCAVATION AND GRADING.

[123] Op. Cit. ARTICLE 27 CALIFORNIA REFERENCED STANDARDS CODE, TITLE 24, PART 12

establishes the framework and rationale for evaluation of seismic risks and hazards in the region. Part II of the Seismic Safety Element, the Policy Report, has been prepared as a "model" report designed to address seismic hazards as delineated in the Technical Report. The intent has been to develop a planning tool for use by county and city governments in implementing their seismic safety elements. The planning process utilized to develop the Element was developed through the efforts of Technical and Policy Committees, composed of both staff and elected representatives from Cities, Counties, and Special Districts or Areawide Planning Organizations in cooperation with the consulting firms of Envicom Corporation and Quinton-Redgate.[124]

Project Impact Analysis:

a) Less Than Significant Impact: According to the Tulare County General Plan 2030 Update, the proposed Project area lies in the V-1 seismic study area, characterized by a relatively thin section of sedimentary rock overlying a granitic basement.

The V-1 seismic zone, which is characterized by a relatively thick section of sedimentary rock overlying a granitic basement, has "low" risks for shaking hazards, "minimal" risk for landslides, "low to moderate" risk for subsidence, "low" risks for liquefaction and "minimal" risk for seiching. [125]

The distance to area faults i.e.; the Clovis Group, Pond-Poso, and San Andreas, expected sources of significant shaking, is sufficiently great that shaking effects should be minimal.

i) *Fault Rupture:* Less Than Significant - No substantial faults are known to traverse Tulare County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation. The nearest major fault line, which lies outside of Tulare County, is the San Andreas fault zones; approximately 40 miles west of the Tulare County line. According to the Five County Seismic Safety Element (FCSSE), Tulare County is located in the V-1 zone. This zone includes most of the eastern San Joaquin Valley and is characterized by a relatively thin section of sedimentary rock overlying a granitic basement. Amplification of shaking that would affect low to medium-rise structures is relatively high, but the distance of the faults that are expected sources of the shaking is sufficiently great that the effects should be minimal. The requirements of Zone II of the Uniform Building Code should be adequate for normal facilities.[126] Amplification of shaking that will affect low to medium-rise structures is relatively high but the distance to either of the fault systems that are expected sources of the shaking is sufficiently great that the effect will be minimal.

Therefore, as noted earlier, no Alquist-Priolo Earthquake Fault Zones or known active faults are in or near the Project area. As such, the risk of rupture of a known earthquake fault will be less than significant.

ii) *Ground Shaking:* Less Than Significant - The Project area is located in a seismic zone which is sufficiently far from known faults and consists primarily of a stable geological formation. Any impacts regarding strong seismic ground shaking have been discussed in Impact VI-a-i. As such, the impact due to ground shaking would be less than significant.

iii) *Ground Failure and Liquefaction:* No Impact - As noted earlier, the Project site is located in the Five County Seismic Safety Element's V-1 zone, and therefore has a low risk of liquefaction. No subsidence-prone soils or oil or gas production is involved with the Project. Therefore, the potential impact to project structures and improvements due to liquefaction is less than significant.

iv) *Landslides:* The flat terrain of the site and surrounding areas, and the general absence of hills or exposed slopes in the vicinity (such as those found along river terraces, bluffs, and foothills), makes landslides highly unlikely. Therefore, the Project would result in no impact.

b) Less Than Significant Impact: As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an

[124] Five County Seismic Safety Element. Fresno, Kings, Madera, Mariposa, & Tulare Counties. 1974. Pages 4-7. Prepared by Envicom Corporation. Available upon request at the RMA Administrative Office.

[125] Envicom Corporation. 1974. Summary of Seismic Hazards & Safety Recommendations. Five County Seismic Safety Element Fresno, Kings, Madera, Mariposa & Tulare Counties. Available at the RMA Administrative Office upon request.

[126] Ibid. Summary & Policy Recommendations II. 1974. Pages 3 and 15. Prepared by Envicom Corporation. Available upon request at the RMA Administrative Office.

on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The extent of erosion will vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. The site has very little slope (i.e., a slight grade from east to west of 0 to 2%) and will have a flat topography after grading. To preserve and restore the agricultural productivity of the Project site to the existing condition during and upon completion of the life of the Project, no soils would be removed from the Project site during construction or operation of the Project. As stated earlier, the Project site is rated as Prime Farmland by NRCS. The prime soil types supported the enrollment of two (2) Project site parcels under Williamson Act contracts for the preservation of agricultural production. As stated above, the relatively flat nature of the site reduces the need for grading which would be limited to approximately 30 acres or less than 15 percent of the Project site, primarily for access roads, substations, and inverter pads. Any soils removed from these areas would be redistributed around and retained elsewhere on the Project site (i.e., along solar panel support rack alignments). Beyond grading, soil disturbance would occur in association with trenching for emplacement of electrical conduits along each alignment of panel racks. This trenching would be limited in scale and anticipated to require an 18-inch wide and three (3)-foot deep trench with a four (4)-inch conduit cable which is not anticipated to displace significant soils. After the estimated 35-year life of the Project, if solar production is abandoned, the site would be regraded, and any stockpiled soils would be redistributed to permit the site to be returned to agricultural production after potential removal of solar facilities.[127]

To prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) will be developed for the Project as required for all projects which disturb more than one acre. As part of the SWPPP, the applicant will be required to provide erosion control measures to protect the topsoil.[128] The Project would comply with SJVAPCD Rule 8021 for construction and earthmoving activities. A SWPPP would be in effect for the Project to prevent impacts on adjacent properties and to Inside Creek from any storm water generated on-site.[129] As a result of these efforts, loss of topsoil and substantial soil erosion during the construction period are not anticipated.

As such, the Project would not result in substantial soil erosion or loss of thereby the impact by the Project would be a less than significant impact.

c) No Impact: As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The extent of erosion will vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. The site has very little slope (i.e., a slight grade from east to west of 0 to 2%) and will have a flat topography after grading. The Project site is not 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. As noted earlier, the entire Project sites are located on Quonal series soils. Quonal series sois consists of deep to a duripan, moderately well drained soils. Quonal soils are on terraces and formed in alluvium derived from the chemically and mechanically reclaimed remnants of the Lewis series (Fine, smectitic, thermic Natric Durixeralfs) which originally formed in alluvium from mixed rock sources. The soil commonly contains a duripan. The original duripan has been mechanically removed to a depth of at least 40 inches and has been partially altered by the addition of farm chemicals and irrigation water. Quonal soils are moderately well drained; runoff is medium or high; and permeability is slow above the duripan and very slow in the duripan. Flooding is rare. Slopes range from 0 to 2 percent. Therefore, the native soils identified on the site do not contain the characteristics of an expansive soil. As such, the Project would result in a less than significant impact and would not create substantial direct or indirect risks to life or property.

d) Less Than Significant Impact: As described in Impact 7 c), the entire site is located on Quonal soil which is not considered expansive soils. Substantial grade change will not occur in the topography to the point where the Project

[127] Project and Operations Description. Page 10. Included in Attachment "E" of this document.
[128] Ibid. 8.
[129] Op. Cit. 6.

will expose people or structures to potential substantial adverse effects on, or offsite, such as landslides, lateral spreading, liquefaction or collapse. As noted earlier, this Project is located in the Five County Seismic Safety Element's V-1 zone, as such, the Project site has a low to moderate risk of subsidence or liquefaction. As such, the Project would result in a less than significant impact.

e) No Impact: The Project does not include the installation or use of septic tanks or other alternative waste water disposal systems. As such, the Project would result in no impact.

f) Less Than Significant Impact With Mitigation: There are no known paleontological resources within the Project area, nor are there any known geologic features in the Project area. The CHRIS and NAHC/SLF searches did not identify any paleontological (or cultural) resources. Additionally, no paleontological resources or sites, or unique geologic features have previously been encountered in the Project area. Project construction will not be anticipated to disturb any paleontological resources not previously disturbed; however unlikely, there is a possibility that subsurface resources could be uncovered during construction-related activities. In such an event, potentially significant impacts to previously unknown subsurface resources may occur. With the implementation of Mitigation **Measures 5-1 through 5-3**, as specified in Item 5 Cultural Resources (as applicable), will ensure that any impact from the Project will be less than significant.

Cumulative Impact Analysis: Less Than Significant Impact With Mitigation - The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report and/or Tulare County 2030 General Plan EIR. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. The Project will only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As noted earlier, the Project will not result in significant impacts related to fault rupture, groundshaking, liquefaction, and landslides. Based upon the analysis above, including compliance with Tulare County General Plan policies, Tulare Ordinance Code, Building Codes, Regional Water Quality Control Board, San Joaquin Valley Air Pollution Control District rules and Regulations, Mitigation Measures 5-1 through 5-3, etc., the Project will range from no-to-less than significant impacts to this resource.

Mitigation Measure(s) See **Mitigation Measures 5-1** through **5-3** (which can be found in their entirety in Attachment "D" of this IS/MND)

Summary of Mitigation Measures:

5-1 Discovery.

5-2 Cessation of Work/Preservation/Treatment Plan/PRC 21074

5-3 Implementation of Health and Safety Code section 7050.5, CEQA Guidelines Section 15064.5, PRC 5097.98

VIII. GREENHOUSE GAS EMISSIONS

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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 any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Greenhouses Gases, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"An increase in the near surface temperature of the earth. Global warming has occurred in the distant past as the result of natural influences, but the term is most often used to refer to the warming predicted to occur as a result of increased emissions of greenhouse gases. Scientists generally agree that the earth′s surface has warmed by about 1 degree Fahrenheit in the past 140 years, but warming is not predicted evenly around the globe. Due to predicted changes in the ocean currents, some places that are currently moderated by warm ocean currents are predicted to fall into deep freeze as the pattern changes."[130] "The warming of the earth′s atmosphere attributed to a buildup of CO_2 or other gases; some scientists think that this build-up allows the sun′s rays to heat the earth, while making the infra-red radiation atmosphere opaque to infrared radiation, thereby preventing a counterbalancing loss of heat. Ibid. Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The major concern is that increases in GHGs are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. The gases believed to be most responsible for global warming are water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)."[131] "Enhancement of the greenhouse effect can occur when concentrations of GHGs exceed the natural concentrations in the atmosphere. Of these gases, CO_2 and methane are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas methane primarily results from off-gassing associated with agricultural practices and landfills. SF6 is a GHG commonly used in the utility industry as an insulating gas in transformers and other electronic equipment. There is widespread international scientific agreement that human-caused increases in GHGs has and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming."[132] "Some of the potential resulting effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CARB, 2006). Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects (IPCC, 2001):

- Higher maximum temperatures and more hot days over nearly all land areas;

[130] Tulare County General Plan 2030 Update Background Report. Page 6-31.
[131] Ibid. 6-16 and 6-20.
[132] Op. Cit. 6-31.

- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas; o Increase of heat index over land areas; and
- More intense precipitation events."[133]

"Snowpack and snowmelt may also be affected by climate change. Much of California's precipitation falls as snow in the Sierra Nevada and southern Cascades Mountain ranges, and snowpack represents approximately 35 percent of the state's useable annual water supply."[134] "The snowmelt typically occurs from April through July; it provides natural water flow to streams and reservoirs after the annual rainy season has ended."[135] "As air temperatures increase due to climate change, the water stored in California's snowpack could be affected by increasing temperatures resulting in: (1) decreased snowfall, and (2) earlier snowmelt."[136]

"In 2007, Tulare County generated approximately 5.2 million tonnes of Carbon Dioxide Equivalent (CO_2e). The largest portion of these emissions (63 percent) is attributed to dairies/feedlots, while the second largest portion (16 percent) is from mobile sources, the third largest portion (11%) is from electricity sources."[137] Table 6-7 [**Table 8-1** in this document] identifies Tulare County's emissions by sector in 2007."[138]

Table 8-1
GHG Emissions by Sector in 2007[139]

Sector	CO2e (tons/year)	% of Total
Electricity	542,690	11%
Natural Gas	321,020	6%
Mobile Sources	822,230	16%
Dairy/Feedlots	3,294,870	63%
Solid Waste	227,250	4%
Total	5,208,060	100%
Per Capita	*36.1*	

"In 2030, Tulare County is forecast to generate approximately 6.1 million tonnes of CO2e. The largest portion of these emissions (59%) is attributed to dairies/feedlots, while the second largest portion (20%) is from mobile sources, and third largest portion (11%) is from electricity as shown on Table 6-8 [**Table 8-2** in this document]. Per capita emissions in 2030 are projected to be approximately 27 tonnes of CO2e per resident."[140]

Table 8-2
GHG Emissions by Sector in 2030[141]

Sector	CO_{2e} (tons/year)	% of Total
Electricity	660,560	11%
Natural Gas	384,410	6%
Mobile Sources	1,212,370	20%
Dairy/Feedlots	3,601,390	59%
Solid Waste	246,750	4%
Total	6,105,480	100%
Per Capita	*27.4*	

The Tulare County General Plan 2030 Update contains the following: Enhancement of the greenhouse effect can occur when concentrations of GHGs exceed the natural concentrations in the atmosphere. Of these gases, CO2 and methane are emitted in the greatest quantities from human activities. Emissions of CO2 are largely by-products of fossil fuel combustion, whereas

[133] Op. Cit.
[134] Op. Cit. 8-85.
[135] Op. Cit.
[136] Op. Cit.
[137] Op. Cit. 6-36.
[138] Op. Cit. 6-38.
[139] Op. Cit.
[140] Op. Cit.
[141] Op. Cit.

methane primarily results from off-gassing associated with agricultural practices and landfills. SF6 is a GHG commonly used in the utility industry as an insulating gas in transformers and other electronic equipment. There is widespread international scientific agreement that human-caused increases in GHGs has and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming.[142]

The San Joaquin Valley Air Pollution Control District (Air District) proposed, and subsequently adopted, the following process for determining the cumulative significance of project specific GHG emissions on global climate change when issuing permits for stationary source projects:

- "Projects determined to be exempt from the requirements of CEQA would be determined to have a less than significant individual and cumulative impact for GHG emissions and would not require further environmental review, including analysis of project specific GHG emissions. Projects exempt under CEQA would be evaluated consistent with established rules and regulations governing project approval and would not be required to implement [Best Performance Practices] BPS.
- Projects complying with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement BPS.
- Projects implementing Best Performance Standards would not require quantification of project specific GHG emissions. Consistent with CEQA Guideline, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.
- Projects not implementing Best Performance Standards would require quantification of project specific GHG emissions and demonstration that project specific GHG emissions would be reduced or mitigated by at least 29%, compared to [Business As Usual] BAU, including GHG emission reductions achieved since the 2002-2004 baseline period, consistent with GHG emission reduction targets established in ARB's AB 32 Scoping Plan. Projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG.
- Project requiring preparation of an Environmental Impact Report would require quantification of project specific GHG emissions. Projects implementing BPS or achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG."[143]

Regulatory Setting

Federal

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years.

The USEPA Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the CAA permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of GHGs under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

[142] Op. Cit. 6-31.

[143] SJVAPCD. District Policy. Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as Lead Agency. Page 8 and 9. Accessed in March 2023 at: https://www.valleyair.org/Programs/CCAP/12-17-09/2%20CCAP%20-%20FINAL%20District%20Policy%20CEQA%20GHG%20-%20Dec%2017%202009.pdf

State

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

California has taken action to reduce GHG emissions. In June 2005, Governor Schwarzenegger signed Executive Order S-3-05 to address climate change and GHG emissions in California. This Order sets the following goals for statewide GHG emissions:

- Reduce to 2000 levels by 2010
- Reduce to 1990 levels by 2020
- Reduce to 80 percent below 1990 levels by 2050

"In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32 Opens in New Window)], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the California Air Resources Board (ARB or Board) to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the Board in 2008 and must be updated every five years. Since 2008, there have been two updates to the Scoping Plan. Each of the Scoping Plans have included a suite of policies to help the State achieve its GHG targets, in large part leveraging existing programs whose primary goal is to reduce harmful air pollution."[144]

"The First Update to the Scoping Plan was approved by the Board on May 22, 2014, and builds upon the initial Scoping Plan with new strategies and recommendations. The First Update identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The First Update defines ARB's climate change priorities for the next five years, and also sets the groundwork to reach long-term goals set forth in Executive Orders S-3-05 and B-16-2012. The Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the initial Scoping Plan. It also evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use."[145]

"On April 29, 2015, the Governor issued Executive Order B-30-15 establishing a mid-term GHG reduction target for California of 40 percent below 1990 levels by 2030. All state agencies with jurisdiction over sources of GHG emissions were directed to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 targets. ARB was directed to update the AB 32 Scoping Plan to reflect the 2030 target, and therefore, is moving forward with the update process. The mid-term target is critical to help frame the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure needed to continue driving down emissions."[146]

"This Scoping Plan for Achieving California's 2030 Greenhouse Gas Target (Scoping Plan or 2017 Scoping Plan) identifies how the State can reach our 2030 climate target to reduce greenhouse gas (GHG) emissions by 40 percent from 1990 levels, and substantially advance toward our 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels. By selecting and pursuing a sustainable and clean economy path for 2030, the State will continue to successfully execute existing programs, demonstrate the coupling of economic growth and environmental progress, and enhance new opportunities for engagement within the State to address and prepare for climate change."[147]

"This Scoping Plan builds on and integrates efforts already underway to reduce the State's GHG, criteria pollutant, and toxic air contaminant emissions. Successful implementation of existing programs has put California on track to achieve the 2020 target. Programs such as the Low Carbon Fuel Standard and Renewables Portfolio Standard are delivering cleaner fuels and energy, the Advanced Clean Cars Program has put more than a quarter million clean vehicles on the road, and the Sustainable Freight Action Plan will result in efficient and cleaner systems to move goods throughout the State. Enhancing and implementing these ongoing efforts puts California on the path to achieving the 2030 target. This Scoping Plan relies on these,

[144] ARB.AB 32 Scoping Plan. Accessed March 2023 at: https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm.
[145] ARB. First Update to the AB 32 Scoping Plan. Accessed March 2023 at: https://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm.
[146] ARB. Scoping Plan Update to Reflect 2030 Target. Accessed March 2023 at: https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm.
[147] ARB. California's 2017 Climate Change Scoping Plan. Page 1. Accessed March 2023 at: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

and other, foundational programs paired with an extended, more stringent Cap-and-Trade Program, to deliver climate, air quality, and other benefits."[148]

California Environmental Quality Act (CEQA) Requirements

Section 15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or

(2) Rely on a qualitative analysis or performance based standards.

(b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) 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. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.[149]

Regional

California Air Pollution Control Officers Association (CAPCOA)

"In January 2008, the California Air Pollution Control Officers Association (CAPCOA) issued a "white paper" on evaluating GHG emissions under CEQA (CAPCOA, 2008). The CAPCOA white paper strategies are not guidelines and have not been adopted by any regulatory agency; rather, the paper is offered as a resource to assist lead agencies in considering climate change in environmental documents."[150]

The California Association of Air Pollution Control Officers (CAPCOA) represents all thirty-five local air quality agencies throughout California. CAPCOA, which has been in existence since 1975, is dedicated to protecting the public health and providing clean air for all our residents and visitors to breathe, and initiated the Greenhouse Gas Reduction Exchange.[151]

"The Greenhouse Gas Reduction Exchange (GHG Rx) is a registry and information exchange for greenhouse gas emissions reduction credits designed specifically to benefit the state of California. The GHG Rx is a trusted source of locally generated credits from projects within California, and facilitates communication between those who create the credits, potential buyers, and funding organizations."[152] Four public workshops were held throughout the state including in the SJVAPCD. The mission is to provide a trusted source of high quality California-based greenhouse gas credits to keep investments, jobs, and benefits in-state, through an Exchange with integrity, transparency, low transaction costs and exceptional customer service.[153]

[148] Ibid.

[149] California Environmental Quality Act (CEQA). Section 15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions. Accessed March 2023 at: https://www.califaep.org/statute_and_guidelines.php

[150] Op. Cit. Page 6-28. Background Report citation: CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. January 2008.

[151] California Air Pollution Control Officers Association (CAPCOA). Accessed March 2023 at: http://www.capcoa.org/.

[152] Ibid. See "CAPCOA GHG RX" tab

[153] CAPCOA. CAPCOA Greenhouse Gas Reduction Exchange. Accessed March 2023 at: http://www.ghgrx.org/.

San Joaquin Valley Unified Air Pollution Control District)

The Air District is made up of eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the San Joaquin Valley Air Basin portion of Kern. "The San Joaquin Valley Air District is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective and entrepreneurial air quality-management strategies."[154]

The Air District adopted the *Climate Change Action Plan* (CCAP) in August 2008. "The CCAP directed the District Air Pollution Control Officer to develop guidance to assist Lead Agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas (GHG) emissions on global climate change.

On December 17, 2009, the San Joaquin Valley Air Pollution Control District (District) adopted the guidance: 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 guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA.

Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact. The guidance does not limit a lead agency's authority in establishing its own process and guidance for determining significance of project related impacts on global climate change."[155]

The Air District's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA* document provides guidance to lead agencies for evaluating the significance of project-specific and cumulative impacts related to GHG emissions.[156] This guidance established the following process for evaluating the significance of project-specific GHG emissions on global climate change:

- "Projects determined to be exempt from the requirements of CEQA would be determined to have a less than significant individual and cumulative impact for GHG emissions and would not require further environmental review, including analysis of project specific GHG emissions. Projects exempt under CEQA would be evaluated consistent with established rules and regulations governing project approval and would not be required to implement [Best Performance Practices] BPS.

- Projects complying with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement BPS.

- Projects implementing Best Performance Standards would not require quantification of project specific GHG emissions. Consistent with CEQA Guideline, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

- Projects not implementing Best Performance Standards would require quantification of project specific GHG emissions and demonstration that project specific GHG emissions would be reduced or mitigated by at least 29%, compared to Business-As-Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period. Projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG.

[154] Air District. About the District. Accessed March 2023 at: Website: http://www.valleyair.org/General_info/aboutdist.htm#Mission.

[155] Air District. Climate Change Action Plan. Accessed March 2023 at: http://www.valleyair.org/Programs/CCAP/CCAP_menu.htm

[156] Air District. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA. Accessed March 2023 at: http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf.

- Notwithstanding any of the above provisions, projects requiring preparation of an Environmental Impact Report for any other reason would require quantification of project specific GHG emissions. Projects implementing BPS or achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG."[157]

Local

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update: Chapter 9 – Air Quality contains a number of policies that apply to projects within Tulare County that support GHG reduction efforts and which have potential relevance to the Project's CEQA review: *AQ-1.3 Cumulative Air Quality Impacts* wherein the County shall require development to be located, designed, and constructed in a manner that would minimize cumulative air quality impacts; *AQ-1.5 California Environmental Quality Act (CEQA) Compliance* wherein the County shall ensure that air quality impacts identified during the CEQA review process are consistently and reasonably mitigated when feasible; *AQ-1.7 Support Statewide Climate Change Solutions* wherein the County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety Code §38501 et seq.), to develop a recommended list of emission reduction strategies, as appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies; *AQ-1.8 Greenhouse Gas Emissions Reduction Plan/Climate Action Plan* wherein 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.

1. Inventory all known, or reasonably discoverable, sources of greenhouse gases in the County,
2. Inventory the greenhouse gas emissions in the most current year available, and those projected for year 2020, and
3. Set a target for the reduction of emissions attributable to the County's discretionary land use decisions and its own internal government operations.;

AQ-3.2 Infill near Employment requiring the County of identify opportunities for infill development near employment areas; *AQ-3.3 Street Design* regarding street designed to encourage transit use, biking, and pedestrian movement; *AQ-3.4 Landscape* regarding the use of ecologically based landscape design principles that can improve local air quality by absorbing CO_2, producing oxygen, providing shade that reduces energy required for cooling, and filtering particulates*; AQ-3.5 Alternative Energy Design* wherein the County shall encourage all new development to incorporate energy conservation and green building practices to maximum extent feasible; *ERM-4.1 Energy Conservation and Efficiency Measures* wherein the County shall encourage energy conservation and efficiency features in new construction in accordance with State law; and *ERM-4.8 Energy Efficiency Standards* wherein the County shall encourage new developments to incorporate energy efficiency and conservation measures that exceed State Title 24 standards.

Tulare County Climate Action Plan

The Tulare County Climate Action Plan (CAP) serves as a guiding document for County of Tulare ("County") actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the 2030 General Plan Update. The General Plan provides the supporting framework for development in the County to produce fewer greenhouse gas emissions during Plan buildout. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation.[158]

"The County of Tulare (County) adopted the Tulare County Climate Action Plan (CAP) in August 2012. The CAP includes provisions for an update when the State of California Air Resources Board (CARB) adopts a Scoping Plan Update that provides post-2020 targets for the State and an updated strategy for achieving a 2030 target. Governor Brown signed Senate Bill (SB) 32 on September 8, 2016, which contains the new 2030 target. The CARB 2017 Scoping Plan Update for the Senate Bill (SB) 32 2030 targets was adopted by the CARB on December 14, 2017 which provided new emission inventories and a comprehensive strategy for achieving the 2030 target (CARB 2017a). With the adoption of the 2017 Scoping Plan, the County proceeded with the 2018 CAP Update that is provided in this document.

[157] Ibid. 4 and 5.

[158] Tulare County Climate Action Plan. Page 1. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/ClimateActionPlan.pdf

The 2018 CAP Update incorporates new baseline and future year inventories to reflect the latest information and updates the County's strategy to address the SB 32 2030 target. The 2030 target requires the State to reduce emissions by 40 percent below 1990 levels from the 2017 Scoping Plan and County data. The CAP identifies the County's fair share of reductions required to maintain consistency with the State target."[159]

Project Impact Analysis:

GHG's Assessed

This analysis was restricted to GHGs identified by AB 32, which include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3). The Project would generate a variety of GHGs, including several defined by AB 32 such as CO_2, CH_4, and N_2O.

Water vapor could be emitted from evaporated water used for landscaping and other uses, but this is not a significant impact because water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities.

Ozone is a GHG; however, unlike the other GHGs, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis. Stratospheric ozone can be reduced through reactions with other pollutants.

Certain GHGs defined by AB 32 would not be emitted by the project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the project would emit perfluorocarbons or sulfur hexafluoride.

Certain GHGs defined by AB 32 would not be emitted by the project. HFCs, PFCs, SF_6, and NF_3 are typically used in certain industrial applications, none of which would be used for typical commercial or gas station operations. Therefore, it is not anticipated that the project would emit those GHGs.

GHG emissions associated with the Project construction as well as future operations were estimated using CO_2 equivalent (CO_2e) emissions as a proxy for all GHG emissions. In order to obtain the CO_2e, an individual GHG is multiplied by its Global Warming Potential (GWP). The GWP designates on a pound for pound basis the potency of the GHG compared to CO_2.

Thresholds of Significance

Air District

The Air District's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA presents a tiered approach to analyzing project significance with respect to GHG emissions. Project GHG emissions are considered less than significant if they can meet any of the following conditions, evaluated in the order presented:

- Project is exempt from CEQA requirements;
- Project complies with an approved GHG emission reduction plan or GHG mitigation program;
- Project implements Best Performance Standards (BPS); or
- Project demonstrates that specific GHG emissions would be reduced or mitigated by at least 29 percent compared to Business-as-Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period.

The Air District's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA includes thresholds based on whether the project will reduce or mitigate GHG levels by 29 percent from BAU levels compared with 2005 levels by 2020.[160] This level of GHG reduction is based on the target established by CARB's AB 32 Scoping Plan, approved in 2008. First occupancy at the project site is expected to occur in 2023. This date is past the AB 32 2020 milestone year. Given recent legislative and legal scrutiny on post-2020 compliance, additional discussion is provided to show progress towards GHG reduction goals identified in CARB's 2017 Scoping Plan for the year 2030. Additionally, although not included in a formal GHG reduction plan, Executive Order S-3-05 also includes a goal of reducing GHG emissions 80 percent below 1990 levels by 2050 and Executive Order B-55-18 set the goal to achieve carbon neutrality statewide by 2045.[161]

[159] Ibid.

[160]. Air District. ttps://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf. accessed March 2023.

[161] Ibid.

Newhall Ranch

The California Supreme Court decision in the *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife, the Newhall Land and Farming Company* (62 Cal.4th 204 [2015], and known as the Newhall Ranch decision), confirmed that the use of BAU analysis (e.g., 29 percent below BAU), a performance-based approach, would be satisfactory. However, for a project-level analysis that uses CARB's statewide BAU targets, substantial evidence must be presented to support the use of those targets for a particular project at a specific location. The court noted that this may require examination of the data behind the statewide model and adjustment to the levels of reduction from BAU used for project evaluation. To date, neither CARB nor any lead agencies have provided any guidance on how to adjust AB 32's statewide BAU target for use at the project level.[162]

The regulations in the State's 2008 Scoping Plan have been adopted and the State is on track to meet the 2020 target and achieve continued progress towards meeting the 2017 Scoping Plan target for 2030.

In the Newhall case, the Supreme Court was concerned that new development may need to reduce GHG emissions more than existing development to demonstrate it is meeting its fair share of reductions. New development does do more than its fair share through compliance with enhanced regulations, particularly with respect to motor vehicles, energy efficiency, and electricity generation. If no additional reductions are required from an individual project beyond that achieved by regulations, then the amount needed to reach the 2020 target is the amount of GHG emissions a project must reduce to comply with Statewide goals.

Project-level Thresholds

Section 15064.4(b) of the CEQA Guidelines' amendments for GHG emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions.

- Consideration #1: The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Consideration #2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- Consideration #3: 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 GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an Environmental Impact Report (EIR) must be prepared for the project.

In addition, Section 15064.7(c) of the CEQA Guidelines specifies that "[w]hen adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence" (14 CCR 15064.7(c)). The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see CEQA Guidelines § 15130(f)).

Per CEQA Guidelines § 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines § 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

[162] Op. Cit.

The significance of the project's GHG emissions is evaluated consistent with CEQA Guidelines §15064.4(b)(2) by considering whether the project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The Tulare County CAP aims to reduce GHG emissions from development projects in Tulare County. The CAP builds on state and regional policies aimed at reducing GHG emissions consistent with the SB 32 2030 GHG reduction target. The CAP relies on policies of the Tulare County General Plan to guide development projects. In addition, the CAP provides specific guidelines for determining if new development projects are consistent with the CAP. The CAP includes a progress report with metrics and benchmarks for tracking progress toward meeting the GHG reduction targets. The County's progress is on track for all metrics.

The CAP is utilized to determine the significance from the project's contribution of GHG emissions. For informational purposes only, the analysis first quantifies project-related GHG emissions under a BAU scenario, and then compares these emissions with emissions that would occur when all project-related design features are accounted for, and when compliance with applicable regulatory measures is assumed.

a) Less Than Significant Impact: The CAP is utilized to determine the significance from the Project's contribution of GHG emissions. The Air District has determined that projects consistent with an adopted Climate Action Plan (CAP) would be considered to have a less than significant impact on the environment. The Tulare County CAP serves as a guiding document for County actions to reduce GHG emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the Tulare County General Plan 2030 Update (General Plan) which provides the supporting framework for development in the County. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The General Plan fulfills many sustainability and GHG reduction objectives at the program level. The CAP identifies the County's fair share of reductions required to maintain consistency with the State's 2030 reductions target.

The CAP thresholds for determining consistency with the CAP are 500 dwelling units, 100,000 square feet of retail, or equivalent intensity for other uses. These thresholds are the amounts currently required from development related sources within the County to demonstrate consistency with SB 32 2030 targets As the CAP implements the County's strategy to achieve the State's 2030 reduction targets, projects below the consistency thresholds have been determined to be consistent with the State's targets and do not require GHG emissions quantification.. The proposed Project will generate approximately 500 vehicle trips annually (1.92 average daily trips), which is less intense than the threshold requiring GHG emissions quantification. However, for disclosure purposes, Project construction- and operation-related GHG emissions are provided in Table 12.

Table 12 Project GHG Emissions

Project Phase	CO_{2e} (metric tons per year)
Construction	762
Operation[1]	6
Decommissioning	762
Project Total	1,530
Annual Displacement	-28,237
Annual Net Emissions	-26,707

Source: Attachment "A" of this memo.

The proposed Project is a revision to the previously approved project (PSP 20-068) and development of the Project sites will be similar to that previously approved. The relocation of the Project site will result in fewer acres disturbed during construction, with fewer modules to be installed and no need for new power lines. However, as the proposed Project will generate the same energy output as the previously approved project, it is assumed that overall net GHG emissions will remain as previously assessed.

The electricity generated during the operation of the Project would be added to the power grid and displace electricity generated from fossil fuels. As this Project is a renewable energy project, it will result in a benefit as it will reduce GHG emissions typically generated by other energy producers. As shown in Table 12, the annual net GHG emission reductions is 26,707 metric tons per year. Due to the volume of emissions displaced, the GHG emissions generated during construction-

related activities will be nullified when the Project is fully operational. As such, the Project would result in a Less Than Significant Project-specific Impact to this resource.

b) Less Than Significant Impact: As the Project is located within unincorporated Tulare County, the most applicable GHG plan is the Tulare County CAP. The CAP is a strategic planning document that identifies sources of GHG emissions within the County, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic policies and actions to reduce emissions from the development project subject to CEQA. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The proposed Project will generate approximately 500 vehicle trips annually (1.92 average daily trips), which is less intense than the CAP consistency threshold. As such, the Project is consistent with the CAP. Furthermore, the Project would produce a new renewable source of energy in Tulare County and directly supports the State's target of increasing California's procurement of electricity from renewable sources from 50 percent to 60 percent by 2030. Therefore, Less Than Significant Project-specific Impacts related to this Checklist Item will occur.

Cumulative Impact Analysis: Less Than Significant Impact

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. Therefore, the Project will result in less than significant Project-specific and cumulative impacts for greenhouse gases.

Mitigation Measures: None Needed

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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 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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Hazards and Hazardous Materials, etc. contained in the Tulare County General Plan 2030 Update and Tulare County Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

"A hazardous material is defined by the California Code of Regulations (CCR) as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10)."[163]

"Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. According to Title 22 of the CCR, hazardous materials and hazardous wastes are classified according to four properties: toxic, ignitable, corrosive, and reactive (CCR, Title 22, Chapter 11, Article 3)."[164]

[163] Tulare County General Plan 2030 Update Background Report. Page 8-26.

[164] Ibid. 8-26.

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The nearest airport (Mefford Field Airport, in Tulare) is approximately six (6.25) miles west of the Project site. The nearest operational landfill is Woodville Landfill, approximately 1.5 miles southwest of the Project site.

The nearest elementary school (Sundale Union Elementary School) is located approximately five (5.0) miles northwest of the Project site; the next nearest school is Woodville Elementary School (in Woodville) approximately 5.25 miles south.

Regulatory Setting

Federal

The NFPA 70®: National Electrical Code® is adopted in all 50 states. It includes requirements for electrical wiring and equipment. Article 705 covers interconnecting generators, windmills, and solar and fuel cells with other power supplies.[165] The federal Resource Conservation and Recovery Act (RCRA) and California Hazardous Waste Control Law regulate the disposal of solar PV cells. The local hazardous waste regulatory authority is the County of Tulare.

State

The California Department of Industrial Relations, Division of Occupational Safety and Health, is the administering agency designed to protect worker health and general facility safety. The California Department of Forestry and Fire Protection (CalFire) has designated the area that includes the project site as a Local Responsibility Area which is defined as an area where the local fire jurisdiction is responsible for emergency fire response. The project area is also defined as "Unzoned," which means that the fire hazard severity of the site has not been determined.[166]

Local

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update (at Chapter 10 – Health and Safety) contains the following goals and policies that relate to hazards and hazardous materials, and which have potential relevance to the Project's CEQA review: *HS-4.1 Hazardous Materials* wherein 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* wherein 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-4.3 Incompatible Land Uses* wherein the County shall prevent incompatible land uses near properties that produce or store hazardous waste; and *HS-4.4 Contamination Prevention* wherein the County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination.

Project Impact Analysis:

and b) Less Than Significant Impact: Construction of the proposed Project will require the transport and use of small quantities of hazardous materials in the form of gasoline, diesel, and oil. There is the potential for small leaks due to refueling of the construction equipment; however, standard construction Best Management Practices (BMPs) included in the SWPPP will reduce the potential for accidental release of construction-related fuels and other hazardous materials.

[165] National Fire Protection Association. 2010. NFPA 70: National Fire Code. Accessed March 2023 at: NFPA 70®: National Electrical Code®

[166] California Department of Forestry and Fire Protection. 2007. Draft Fire Severity Zones in LRA Map. Accessed March 2023 at: https://osfm.fire.ca.gov/media/6832/fhszl06_1_map54.pdf.

These BMPs will prevent, minimize, or remedy storm water contamination from spills or leaks, control the amount of runoff from the site, and require proper disposal or recycling of hazardous materials. Project operations may require the storage of small amounts of hazardous materials, such as fuel and lubricants. The storage, transport, and use of these materials will comply with Local, State, and Federal regulatory requirements.

As such, the Project will not result in a significant hazard to the public or the environment and impacts will be less than significant.

c) **No Impact:** As noted earlier, the nearest school, Sundale Union Elementary School is located approximately five (5.0) miles north of the Project site. The Project involves construction of a solar energy generation facility (and potentially include a 10 megawatt-hour (MWhr) storage component in the form of batteries in the southern development area) and will not emit hazardous emissions, involve hazardous materials, or create a hazard to the school. There will be no impact.

d) **No Impact:** According to the State of California Department of Toxic Substances Control (DTSC) – Envirostor Search, there is one hazardous materials site within an approximate two-mile radius of the Project site.[167] The inactive site (CAM Chemicals) is located at 21636 Road 152 which contains an "unspecified" cause of contamination resulting in contaminated soils from pesticide rinse waters and wastes from production. The Envirostor description also indicates that the site "needs evaluation"; however, it does not specify a timeframe.[168] The Project site is not listed as hazardous materials sites pursuant to Government Code Section 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 March 2, 2023 by RMA staff). Therefore, as the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, it would not create a significant hazard to the public or the environment.

e) **No Impact:** The nearest airport (Mefford Field Airport in Tulare), is approximately 6.25 miles west of the Project site; there are no private airports within the Project vicinity. The Project would not result in the placement of any structures sufficiently tall enough to interfere with the flight path of either airport. The Project will not conflict with Tulare County Comprehensive Airport Land Use Plan (CALUP) policy and it is not within any airport's safety zone. The Project will not result in a safety hazard for people working in the area. As such, the Project would result in no impact to this resource.

f) **No Impact:** The Project will not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The Project is not located in the vicinity of a principal route of assistance, as described by the Safety Element of the Tulare County General Plan. As noted by the applicant, "The Project's on-site roadway system of the northern parcel would include a primary gated access road off Road 164 for both the northern and southern Project's locations, leading to key facilities such as the capacitor bank and substation for the southern development area as well as an internal access road system for both locations. The perimeter road and main access roads would be approximately 20 feet wide with exact widths and surfacing designed consistent with facility maintenance requirements and Tulare County Fire Department standards. These roads would be surfaced with gravel, compacted dirt, or another commercially available surface. The roads would accommodate Project operations and maintenance activities such as cleaning of solar panels, providing a fire buffer, and facilitating on-site circulation for emergency vehicles. Internal roads would have additional permeable surfaces designed similarly to the perimeter and main access roads, approximately 12 to 15 feet in width or as otherwise required by County fire standards. They would be treated to create a durable, dust-minimizing surface for use during construction and operation. This would not involve lime treatment but would likely involve surfacing with gravel, compacted native soil, or a dust palliative."[169] As such, the Project will not interfere with implementation of an emergency response plan or evacuation.

g) **No Impact:** The surrounding land is agricultural (predominantly dairies and row crops) and rural residential uses and is not subject or vulnerable to wildland fires. The Project will not contain any housing or buildings where workers will reside or be stationed that will be at risk of fire. As such, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires and would result in no impact to this resource. See also Item 20 Wildfire.

Cumulative Impact Analysis: Less Than Significant Impact - The geographic area of this cumulative analysis is Tulare County. This cumulative analysis based on the information provided in the Tulare County 2030 General Plan, General Plan

[167] California Department of Toxic Substances Control (DTSC). EnviroStor. Accessed March 2023 at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Tulare+County%2C+CA

[168] Ibid.

[169] Project and Operations Description. Page 6. Included in Attachment "E" of this document.

background Report, and/or Tulare County 2030 General Plan EIR. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

As discussed earlier, the transportation of hazardous materials will continue to be regulated by federal, state, and regional agencies, and all new development will be subject to independent environmental review and all applicable regulations to minimize any potential health risks associated with freeways. Therefore, through appropriate regulations, potential cumulative health impacts associated with the build out of the entire Project area would result in less than significant Project-specific and Cumulative Impacts related to this Checklist Item.

X. HYDROLOGY AND WATER QUALITY

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i)	Result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	☒	☐
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
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 water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Hydrology and Water Quality, etc. contained in the Tulare County General Plan 2030 Update and Tulare County General Plan Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Hydrology in the Project vicinity is associated with the Tulare Lake Basin, one of three main water subareas in the county. The Tulare Lake Basin is in the northern alluvial fan and basin subarea which is characterized by southwest-to-south flowing rivers, creeks, and irrigation canal systems that convey water from the Sierra Nevada to the west toward the Tulare Lake Bed. The southern portion of the basin is internally drained by the Kings, Kaweah, Tule, and Kern Rivers.[170] The Tulare Lake Basin comprises the drainage area of the San Joaquin Valley south of the San Joaquin River and is essentially a closed basin because

[170] California Department of Water Resources. Draft California's Groundwater Bulletin 118. 2020. Accessed March 2023 at: https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118.

surface water drains north into the San Joaquin River only in years of extreme rainfall. According to the U.S. Geological Survey, Cameron Creek is the nearest body of water in the vicinity of the Project; it is located north of Oakdale Avenue, north of the Project site.[171]

Flooding

"Flooding is a natural occurrence in the Central Valley because it is a natural drainage basin for thousands of watershed acres of Sierra Nevada Mountain Range and Coast Range foothills and mountains. Two kinds of flooding can occur in the Central Valley: general rainfall floods occurring in the late fall and winter in the foothills and on the valley floor; and snowmelt floods occurring in the late spring and early summer. Most floods are produced by extended periods of precipitation during the winter months. Floods can also occur when large amounts of water (due to snowmelt) enter storage reservoirs, causing an increase in the amount of water that is released."[172]

"At the federal level, official floodplain maps are maintained by the Federal Emergency Management Agency (FEMA) as an important part of the national flood insurance program. FEMA determines areas subject to flood hazards and designates these areas by relative risk of flooding on maps for each community, known as Flood Insurance Rate Maps (FIRM). A 100-year flood is considered for purposes of land use planning and protection of property and human safety"[173] "The boundaries of the 100-year floodplain are delineated by FEMA on the basis of hydrology, topography, and modeling of flow during predicted rainstorms."[174]

"The flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures (e.g., bridges, trestles, buildings) have increased along the Kaweah, Kings, and Tule Rivers. Unsecured and uprooted material can be carried down a river, clogging channels and piling up against trestles and bridge abutments that can, in turn, give way or collapse, increasing blockage and flooding potential. Flooding can force waters out of the river channel and above its ordinary floodplain. Confined floodplains can result in significantly higher water elevations and higher flow rates during high runoff and flood events."[175]

Regulatory Setting

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.

Safe Drinking Water Act

"The Safe Drinking Water Act (SDWA) is the main federal law that ensures the quality of Americans' drinking water. Under SDWA, EPA sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards… SDWA was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. (SDWA does not regulate private wells which serve fewer than 25 individuals.)"[176]

[171] United States Geological Survey (USGS). National Map Viewer. Accessed March 2023 at: The National Map Viewer | U.S. Geological Survey (usgs.gov)

[172] Tulare County General Plan 2030 Update. Recirculated Draft Environmental Impact Report. Page 3.6-28. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf

[173] Ibid.

[174] Op. Cit. 3.6-30.

[175] Op. Cit.

[176] United States Environmental Protection Agency (US EPA or EPA). EPA Drinking Water Requirements for States and Public Water System Drinking Water Regulations. Accessed March 2023 at: http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm.

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.

Environmental Protection Agency

The mission of EPA is to protect human health and the environment.
EPA's purpose is to ensure that:

- all Americans are protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy;
- all parts of society -- communities, individuals, businesses, and state, local and tribal governments -- have access to accurate information sufficient to effectively participate in managing human health and environmental risks;
- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment."[177]

United States Army Corps of Engineers

"The Department of the Army Regulatory Program is one of the oldest in the Federal Government. Initially it served a fairly simple, straightforward purpose: to protect and maintain the navigable capacity of the nation's waters. Time, changing public needs, evolving policy, case law, and new statutory mandates have changed the complexion of the program, adding to its breadth, complexity, and authority.

The Regulatory Program is committed to protecting the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands."[178]

State

The Porter-Cologne Water Quality Control Act

"The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected,
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason, and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions."[179]

[177] US EPA Website. Our Mission and What We Do. Accessed March 2023 at: https://www.epa.gov/aboutepa/our-mission-and-what-we-do

[178] U.S. Army Corps of Engineers. Accessed March 2023at: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx.

[179] California Water Boards. State Laws Porter-Cologne Act. Accessed March 2023at: https://www.waterboards.ca.gov/water_issues/programs/nps/encyclopedia/0a_laws_policy.html.

State Water Resources Control Board

The State Water Resources Control Board (the State Water Board) was created by the Legislature in 1967. The mission of the Water Board is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables the Water Board to provide comprehensive protection for California's waters.

The Water Board consists of five full-time salaried Members, each filling a different specialty position. Each board member is appointed to a four-year term by the Governor and confirmed by the Senate.

There are nine Regional Water Quality Control Boards (Regional Boards). The mission of the Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the beneficial uses of the State's waters, recognizing local differences in climate, topography, geology and hydrology.

Each Regional Board has seven part-time Members also appointed by the Governor and confirmed by the Senate. Regional Boards develop "basin plans" for their hydrologic areas, govern requirements/issue waste discharge permits, take enforcement action against violators, and monitor water quality.

The task of protecting and enforcing the many uses of water, including the needs of industry, agriculture, municipal districts, and the environment is an ongoing challenge for the State and Regional Water Quality Control Boards.[180]

California Department of Water Resources

"This Department's primary mission is to manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments." Other goals contained in the Update 2018 California Water Plan include:

- Goal 1 - Improve Integrated Watershed Management: California's vision of sustainable water management relies on the continued support of innovative and inclusive integrated water management strategies. Healthy watersheds, headwaters, aquifers, and working landscapes provide critical water supply and ecosystem services.
- Goal 2 - Strengthen Resiliency and Operational Flexibility of Existing and Future Infrastructure: Water managers must make plans to address aging infrastructure and impacts associated with climate change, population growth, ecosystem stressors, and funding constraints.
- Goal 3 - Restore Critical Ecosystem Functions California is one of the world's great biodiversity hotspots. Anthropogenic influence — water management included — has impacts on natural resources; and environmental protections for many species has impacts on water management.
- Goal 4 - Empower California's Under-Represented or Vulnerable Communities: Equitable water management means reliable, affordable, and safe water supplies and management for all Californians.
- Goal 5 - Improve Inter-Agency Alignment and Address Persistent Regulatory Challenges: Improved alignment and communication will more effectively deliver public benefits. Strengthening links between regulation and strategic planning, as well as utilizing restoration management on an ecosystem scale, will help balance environmental needs and human activities over the long term.
- Goal 6 - Support Real-Time Decision-Making, Adaptive Management, and Long-Term Planning Effective water management requires access to data and information necessary to understand current conditions, historic challenges, and future challenges. It also requires stable funding sufficient to support State and local sustainability goals.[181]

California Department of Water Resources and State Water Resources Control Board – Sustainable Groundwater Management Act (SGMA)

"On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA). For the first time in its history, California has a framework for sustainable, groundwater management - "management

[180] State of California Water Boards. Water Boards' Structure. Accessed March 2023 at: https://www.waterboards.ca.gov/about_us/water_boards_structure/mission.html

[181] California Natural Resources Agency. Department of Water Resources. California Water Plan Update 2018. Managing Water Resources for Sustainability. June 2019. Pages 3-2 through 3-3 through 3-6. Accessed March 2023 at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/California-Water-Plan/Docs/Update2018/Final/California-Water-Plan-Update-2018.pdf#page=4.

and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results."

SGMA requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline."[182]

Regional Water Quality Board

"There are nine Regional Water Quality Control Boards (Regional Boards). The mission of the Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the State's waters, recognizing local differences in climate, topography, geology and hydrology. Each Regional Board has seven part-time members appointed by the Governor and confirmed by the Senate. Regional Boards develop "basin plans" for their hydrologic areas, issue waste discharge requirements, take enforcement action against violators, and monitor water quality."[183]

"The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges. Specific responsibilities and procedures of the Regional Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act."[184]

California Water Boards Central Valley - R5

The California Water Boards Central Valley – R5 (Region 5) defines their missions as, "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations."[185] In addition, the CA Water Boards Central Valley – R5 indicates their Duty as, "The primary duty of the Regional Board is to protect the quality of the waters within the Region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all agricultural, domestic and industrial waste discharges. Specific responsibilities and procedures of the Regional Boards and the State Water Resources Control Board are contained in the Porter-Cologne Water Quality Control Act."[186]

The Central Valley Regional Water Quality Control Board (RWQCB) administers the NPDES storm water-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 Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires 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.

SB 610 (Costa) & SB 221 (Kuehl) 2001

"Senate Bills 610 (Chapter 643, Statutes of 2001) and Senate Bill 221 (Chapter 642, Statutes of 2001) amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions

[182] State of California Department of Water Resources. SGMA Groundwater Management. Accessed March 2023 at: https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management

[183] Ibid.

[184] The California Water Boards. Central Valley – R5. Our Mission. Our Duty. Accessed March 2023 at: http://www.swrcb.ca.gov/centralvalley/about_us/.

[185] Ibid.

[186] Op. Cit.

made by cities and counties. SB 610 and SB 221 are companion measures which seek to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects. Both statutes also require this detailed information be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Both measures recognize local control and decision making regarding the availability of water for projects and the approval of projects.

Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to the California Environmental Quality Act. Under SB 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply."[187]

Local

Tulare County Environmental Health Division

"The mission of the Division of Environmental Health is to enhance the quality of life in Tulare County through implementation of environmental health programs that protect public health and safety as well as the environment. We accomplish this goal by overseeing and enforcing numerous different programs, from food facility inspections to hazardous waste. All of our inspectors are licensed and/or certified in the field that they practice in and participate in continuing education to maintain licensure."[188] "Tulare County Environmental Health permits and regulates State Small Water Systems, which serve drinking water to between 5 and 14 service connections, and no more than an average of 25 persons no more than 60 days out of the year. There are currently 42 of these systems, throughout Tulare County, which serve about 314 connections and approximately 640 people. These systems are inspected by Tulare County Environmental Health, and are required to routinely monitor their water quality."[189] This division requires water quality testing of public water systems. Any project that involves septic tanks and water wells within Tulare County is subject to approval by this agency. All recommendations provided by this division will be added as mitigation measures to ensure reduction of environmental impacts.

Tulare County Land Development Regulations

The Tulare County Resource Management Agency (RMA) is responsible for review, approval, and enforcement of planning and land development throughout the unincorporated portions of Tulare County. County of Tulare regulations that direct planning and land development (and related water and wastewater utilities) include the Tulare County General Plan, Zoning Ordinance, Subdivision Ordinance, and CEQA procedures. These responsibilities are divided between Planning Branch, Public Works Branch, and other divisions or departments of RMA, and in coordination with the Environmental Health Division of the Tulare County Health and Human Services Agency, and the Tulare County Fire Department.

The County's flood damage prevention code is intended to promote public health, safety, and general welfare in addition to minimizing public and private losses due to flood conditions. The County code provisions to protect against flooding include requiring uses vulnerable to floods be protected against flood damage at the time of initial construction; controlling the alteration of natural flood plains; and preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. The County flood damage prevention code, most recently amended by Ord. No. 3212 and effective October 29, 1998, is modeled based upon FEMA guidance.

The Tulare County Flood Control District

The Tulare County Flood Control District, a countywide district governed by the County Board of Supervisors, is the local flood management agency. Tulare County participates in the National Flood Insurance Program Community Rating System, uses FEMA insurance rate maps, and enforces Ordinance Code of Tulare County, Part VII, Chapter 27, Flood Damage Prevention. The County Zoning Ordinance also provides regulations to reduce flood hazards through land use regulations.[190]

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[187] California Department of Water Resources. Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 to assist water suppliers, cities, and counties in integrating water and land use planning. Page iii. Accessed March 2023 at: https://cawaterlibrary.net/wp-content/uploads/2017/06/guidebook.pdf

[188] Tulare County Environmental Health Division. Who Are We. Accessed March 2023 at: https://tularecountyeh.org/eh/about-us/who-are-we /

[189] Ibid. Water Systems Program. Accessed March 2023 at: https://tularecountyeh.org/eh/our-services/water-systems-program/

[190] Tulare County General Plan 2030 Update. Recirculated Draft Environmental Impact Report. Page 3.6-29. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents/generalplan2010/RecirculatedDraftEIR.pdf

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update (Chapter 10 – Health and Safety and Chapter 11 – Water Resources) contains the following goals and policies that relate to hydrology and water quality and which have potential relevance to the Project's California Environmental Quality Act (CEQA) review: *AG-1.17 Agricultural Water Resources* wherein the County shall seek to protect and enhance surface water and groundwater resources critical to agriculture; *HS-4.4 Contamination Prevention* wherein the County shall review new development proposals to protect soils, air quality, surface water, and groundwater from hazardous materials contamination; *WR-1.1 Groundwater Withdrawal* wherein the County shall cooperate with water agencies and management agencies during land development processes to help promote an adequate, safe, and economically viable groundwater supply for existing and future development within the County. These actions shall be intended to help the County mitigate the potential impact on ground water resources identified during planning and approval processes; *WR-2.1 Protect Water Quality* wherein all major land use and development plans shall be evaluated as to their potential to create surface and groundwater contamination hazards from point and non-point sources. This policy requires the County to confer with other appropriate agencies, as necessary, to assure adequate water quality review to prevent soil erosion; direct discharge of potentially harmful substances; ground leaching from storage of raw materials, petroleum products, or wastes; floating debris; and runoff from the site; *WR-2.2 National Pollutant Discharge Elimination System (NPDES) Enforcement* wherein 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)* wherein 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 effects of construction activities, agricultural operations requiring a County Permit and urban runoff in coordination with the Water Quality Control Board; and *WR-2.4 Construction Site Sediment Control* wherein the County shall continue to enforce provisions to control erosion and sediment from construction sites.

Project Impact Analysis:

a) Less Than Significant Impact: The State Water Resources Control Board requires any new construction project greater than one acre to complete a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP would be prepared for the proposed Project by a qualified engineer or erosion control specialist as a condition of approval and would be submitted to the County for review and approval before being implemented during construction. The SWPPP would be designed to reduce potential impacts related to erosion and surface water quality during construction activities and throughout the life of the Project. It would include Project information and best management practices (BMP). The BMPs would include dewatering procedures, stormwater runoff quality control measures, concrete waste management, watering for dust control, and construction of perimeter silt fences, as needed. Implementation of the SWPPP will minimize the potential for the Project to substantially alter the existing drainage pattern in a manner that will result in substantial erosion or siltation onsite or offsite. There will be no discharge to any surface or groundwater sources which may impact water quality standards. As such, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, the Project would result in a less than significant impact to this resource.

b) Less Than Significant Impact: The Project site is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin. DWR estimates a total overdraft of 820,000 acre-feet per year (which is the largest overdraft projected in the state, and approximately 56 percent of the statewide total overdraft). The Project site is located within the Kaweah Sub-basin portion of the regional area. As such, there would be less than significant impacts resulting from decreased groundwater supplies as a result of the Project.

"Coldwell Solar 1, LLC (Applicant) is proposing the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two (2) parcels totaling approximately 160 acres in western Tulare County, California. The Project site development area is located both north and south of Avenue 208, of Road 164. The Project would result in the installation of approximately 68,040 single axis mounted solar modules, rated at 650 watts per module. It should be noted that watts per module may increase at time of Project construction; however, for planning purposes we have included an approximate module output of 650 watts. In addition to the installation of photovoltaic (PV) solar modules, the proposed development area of the Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new very short distribution interconnect power line to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the

form of batteries. The life of the Project is anticipated to be 35 years."[191] "The Project would not require a permanent potable supply of water and would not utilize or develop an on-site surface or groundwater supply over the life of the Project. Water would be imported via haul trucked to the Project site during annual (or biannual) panel washing activities, which are estimated to require approximately 24,000 to 48,000 gallons per year."[192] "PV panel washing would occur approximately 1 to 2 times per year (depending on the amount of rainfall each year) using imported water. The panel washing is like common window washing and would employ no harsh chemicals or solvents. Water trucks would be brought on-site 1 to 2 times per year for the duration of approximately 10 days (20 days per year total)."[193] Therefore, based on the limited, temporary usage of water for dust control purposes during construction-related activities and PV panel washing, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The life of the Project is anticipated to be 35 years.

c) Less Than Significant Impact: Overall, the Project would not 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.

i) *Erosion and Siltation:* As indicated in the Project Description provided in Attachment "F", "…the relatively flat nature of the site reduces the need for grading which would be limited to approximately 30 acres or less than 15 percent of the Project site, primarily for access roads, substations, and inverter pads. Any soils removed from these areas would be redistributed and retained elsewhere within the Project site (i.e., along solar panel support rack alignments). Beyond grading, soil disturbance would occur in association with trenching for emplacement of electrical conduits along each alignment of panel racks. This trenching would be limited in scale and anticipated to require an 18-inch wide and 3-foot deep trench with a 4-inch conduit cable which is not anticipated to displace significant soils. After the estimated 35-year life of the Project, if solar production is abandoned, the site would be regraded, and any stockpiled soils would be redistributed to permit the site to be returned to agricultural production after potential removal of solar facilities."[194] "A SWPPP would be prepared by a qualified engineer or erosion control specialist as a condition of approval and would be submitted to the County for review and approval before construction. The SWPPP would be designed to reduce potential impacts related to erosion and surface water quality during construction activities and throughout the operational life of the Project. It would include Project information and best management practices (BMP) to reduce adverse impacts, such as dewatering procedures, storm water runoff quality control measures, concrete waste management, watering for dust control, and construction of perimeter silt fences, as needed."[195] Therefore, construction-related activities will minimally disturb the ground surface resulting in a less than significant impact from erosion and siltation.

ii) *Runoff and Flooding:* The site will not result in waters capable of flooding either on- or off-site. The site is not subject to flooding and lies within Flood Zone X (area of minimal flooding) per the Federal Emergency Management Agency FIRM map (Panel 06107C1300E).[196] Also, the site will not generate substantial amounts of runoff that would result in on- or off-site flooding due to the nature of the Project as a renewable energy producer (i.e., solar energy). The Project will avoid runoff type water from dust suppression activities and PV panel washing through implementation of conditions of approval and project design features. As such, the Project would result in a less than significant impact to or from this resource Item.

iii) *Drainage Systems and Polluted Runoff:* No Impact. See Items 10 c) i) and ii). The Project will not connect to any existing or planned stormwater drainage system, as such it will not provide any additional sources of polluted runoff. As noted earlier, the very nature of the Project (as a renewable energy producer) does not lend itself as a contributor of polluted runoff. Therefore, the Project would result in no impact to this resource, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and as such, would result in no impact.

iv) *Impede or Redirect Flood Flows:* See items 10 c ii) and iii). As noted earlier, the nearest body of water is Hutchinson

[191] Project and Operations Description. Page 2. Included in Attachment "E" of this document.
[192] Ibid. 10.
[193] Op. Cit.
[194] Op. Cit. 9.
[195] Op. Cit. 8.
[196] U.S. DHS. Federal Emergency Management Agency FIRM Panel 06107C1300E June 16, 2009. Accessed March 2023 at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-119.43111661234694,36.21814285944352,-119.26494839945653,36.287358109855994

Ditch located west of the northern parcel of the Project site (north of Avenue 208). Hutchinson Ditch conveys water for seasonal agricultural-related purposes. A Storm Water Pollution Prevention Plan (SWPPP) would be in effect for the Project to prevent impacts on adjacent properties and to Hutchinson Ditch from any storm water generated on-site. Appropriate setbacks from Hutchinson Ditch would be enforced in the northern proposed development area to avoid adverse impacts to water.

Also, the most recent United States Geological Survey (USGS) National Water Information System (NWIS) and United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapping applications were accessed in February, 223.[197, 198] Other than Hutchinson Ditch, there are no jurisdictional waters of the State and U.S. bodies of water proximate or within the entire Project site. As noted earlier, a SWWP would be in effect for the Project to prevent impacts on adjacent properties and to Hutchinson Ditch from any storm water generated on-site. A grading and drainage plan will be submitted and approved by the Tulare County RMA Engineering Branch. As such, the Project will not result in significant impact to any riparian habitats or other protected wetlands. Therefore, mitigation measures are not required or necessary as a result of the Project.

d) No Impact: The Project is not located on or near any areas that would result in or be impacted by a flood hazard, tsunami, or seiche zones, that would result in a risk of releasing pollutants due to project inundation. As noted in Item 10 c) ii), the Project lies within Flood Zone X (area of minimal flooding) per the Federal Emergency Management Agency FIRM map; it is not exposed to or near any river, reservoirs, pond, or lake subject to seiches from earthquake activity; and it is more than 130 miles east of the nearest coastline that would be subject to tsunami. Therefore, there would be no impact from potential inundation by the flood hazard, tsunami, or seiches.

e) No Impact: The nature of the Project (as a renewable energy producer), and the fact that its anticipated 35-year life would temporarily suspend usage of water for irrigation purposes of agricultural lands, leads to a reasonable conclusion that the Project would not conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan.

Cumulative Impact Analysis: Less Than Significant Impact: The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on information provided in the Water Quality Control Plan for the Tulare Lake Basin and the requirements of the Tulare County Environmental Health Department.

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Project will only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As noted above, the Project will be required to prepare and implement a SWPPP. Implementation of the SWPPP will ensure that impacts on water quality from construction-related activities will be minimized. As noted earlier, the applicant will import water via water trucks to meet the construction- and operational-related requirements (e.g., for dust suppression and panel washing) of the Project. As there will be no employees stationed on site, domestic water will not be necessary. The Project is not expected to interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Joaquin Basin or the Tule Subbasin. The Project will not substantially affect the drainage pattern of the site or area. As part of the SWPPP, erosion prevention measures and other BMPs will be implemented during earthmoving-related activities (e.g., site grading). The Project is not located in the coastal zone or near a lake or reservoir; therefore, the Project will not be located in an area subject to inundation by seiche, tsunami, or related mudflow. Lastly, construction or operation of the Project will not conflict with or obstruct implementation of the Basin Plan. Project operation will not include activities which will degrade water quality, violate discharge requirements, or conflict or obstruct with the implementation of the Basin Plan. As such, the Project will result in a less than cumulative impact for hydrology and water quality.

[197] USGS. National Water Information system: Mapper. Accessed March 2023 at: https://maps.waterdata.usgs.gov/mapper/index.html

[198] U.S. FWS. National Wetlands Inventory. Accessed March 2023 at: https://www.fws.gov/wetlands/data/mapper.HTML

XI. LAND USE AND PLANNING

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Land Use and Planning, etc. contained in the Tulare County General Plan 2030 Update and Tulare County General Plan Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The Project is in an unincorporated area of southern Tulare County, California. Tulare County is located in the San Joaquin Valley portion of the Great Central Valley of California that lies south of the Sacramento-San Joaquin Delta, and it is comprised of 4,863 square miles. Tulare 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 Tulare County have been organized into generalized categories that are summarized on Table 11-1. These lands total 3,930 square miles or approximately 81 percent of Tulare County. Open space, which includes wilderness, national forests, monuments and parks, and county parks, encompass 1,230 square miles, or approximately 25 percent of the County. Agricultural uses total over 2,150 square miles or about 44 percent of the entire county. Incorporated cities in Tulare County capture less than three percent of the entire County.

Table 11-1
County of Tulare Summary of Assessed Land by Generalized Use Categories[199]

Generalized Land Use Category	Square Miles[1]	Percentage[2]
Residential	110	2
Commercial	10	Less than 1%
Industrial	10	Less than 1%
Agriculture	2,150	44
Public (including airports, charitable organizations, churches, fraternal organizations, government owned land, hospitals and rest homes, institutional facilities, rehab facilities and schools)	420	9
Open Space (including national forests and parks, timber preserves)	1,230	25
Classified Subtotal	**3,930**	**81**
Unclassified (includes streets and highways, rivers, canals, etc.)	780	16
Unincorporated County Subtotal	**4,710**	**97**
Incorporated Cities	130	3
Total County	**4,840**	**100**

1 One square mile = 640 acres.
2 Percent reflect those estimated for the total land area of the County and may not equal 100 due to rounding.

As noted earlier, "Coldwell Solar 1, LLC (Applicant) is proposing the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two (2) parcels totaling approximately 160

[199] Tulare County General Plan 2030 Update. Background Report. Page 3-53.

acres in western Tulare County, California. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would result in the installation of approximately 68,040 single axis mounted solar modules, rated at 650 watts per module. It should be noted that watts per module may increase at time of Project construction; however, for planning purposes we have included an approximate module output of 650 watts. In addition to the installation of photovoltaic (PV) solar modules, the proposed development area of the Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new very short distribution interconnect power line to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years."[200]

Regulatory Setting

Federal

Federal regulations for land use are not relevant to the Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the project applicant is not requesting federal funding or a federal permit).

State

The Project is being evaluated pursuant to CEQA; however, there are no state regulations, plans, programs, or guidelines associated with land use and planning that are applicable to the Project.

Local

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update (Chapter 4 – Land Use, Chapter 8 – Environmental Resources Management and Part II Chapter 1 - Rural Valley Lands Plan) contains the following goals and policies that relate to land use and which have potential relevance to the Project's California Environmental Quality Act (CEQA) review: *LU-2.1 Agricultural Lands* wherein the County shall maintain agriculturally-designated areas for agriculture use and 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-5.1 Industrial Developments* wherein the County shall encourage a wide range of industrial development activities in appropriate locations to promote economic development, employment opportunities, and provide a sound tax base; and *LU-7.15 Energy Conservation* wherein the County shall encourage the use of solar power and energy conservation building techniques in all new development.

Project Impact Analysis:

a) and b) No Impact: The proposed Project is in an unincorporated area of southern Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and abuts Road 152 to the west. The Project will not physically divide any established community or 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. Therefore, the Project would result in no impact to these resources.

Cumulative Impact Analysis: Less Than Significant Impact: The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, General Plan Background Report, and/or Tulare County 2030 General Plan EIR.

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the

[200] Project and Operations Description. Page 2. Included in Attachment "E" of this document.

Project would potentially include a 20 (MW) storage component in the form of batteries. Lastly, the life of the Project is anticipated to be 35 years. As such, no cumulative impact related to land use and planning will occur.

XII. MINERAL RESOURCES

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Mineral Resources, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Per the Tulare County General Plan Background Report, Tulare County is divided into two major physiographic and geologic provinces: the Sierra Nevada Mountains and the Central Valley. The Sierra Nevada Physiographic Province, in the eastern portion of the Tulare County, is underlain by metamorphic and igneous rock. It consists mainly of homogeneous granitic rocks, with several islands of older metamorphic rock. The central and western parts of the County are part of the Central Valley Province, underlain by marine and non-marine sedimentary rocks. It is basically a flat, alluvial plain, with soil consisting of material deposited by the uplifting of the mountains.

Economically, the most important minerals that are extracted in Tulare County are sand, gravel, crushed rock, and natural gas. Other minerals that could be mined commercially include tungsten, which has been mined to some extent, and relatively small amounts of chromite, copper, gold, lead, manganese, silver, zinc, barite, feldspar, limestone, and silica. Minerals that are present but do not exist in the quantities desired for commercial mining include antimony, asbestos, graphite, iron, molybdenum, nickel, radioactive minerals, phosphate, construction rock, and sulfur.

Aggregate resources are the most valuable mineral resource in Tulare County because it is a major component of the Portland cement concrete (PCC) and asphaltic concrete (AC). PCC and AC are essential to constructing roads, buildings, and providing for other infrastructure needs. There are four streams that have provided the main source of high quality sand and gravel in Tulare County: Kaweah River, Lewis Creek, Deer Creek and the Tule River. The highest quality deposits are located at the Kaweah and Tule Rivers. Lewis Creek deposits are considerably inferior to those of the other two rivers.

Regulatory Setting

Federal

There are no federal or local regulations pertaining to mineral resources relevant to the Project.

State

California Surface Mining and Reclamation Act of 1975

Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California. The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

Local

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update: Chapter 8 – Environmental Resources Management contains the following goals and policies that relate to mineral resources and which have potential relevance to the Project's California Environmental Quality Act (CEQA) review: *ERM-2.1 Conserve Mineral Deposits* wherein 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; and *ERM-4.6 Renewable Energy* wherein the County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation.

Project Impact Analysis:

a) and b) 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. The Tule River is the nearest of these four streams to the Project site and is located approximately 3.25 miles to the south. Due to the distance from the nearest stream, the Project will not result in the loss of an available known mineral resource. The Tulare County General Plan Update (see Figure 8-2 Mineral Resource Zone in the General Plan) indicates the locations of State-designated Mineral Resource Zones. According to the map, the Project site is not located in or within 10 miles of a Mineral Resource Zone. Also, the California Department of Conservation indicates that the nearest, active mining operation (Mitch Brown General Engine, a quarry for decomposed granite) is located approximately 14 miles east of the Project site.[201] As such, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

[201] State of California Department Of Conservation. Division of Mine Reclamation. Maps: Mines and Mineral Resources Accessed March 2023 at: https://maps.conservation.ca.gov/mol/index.html.

The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site. Therefore, the proposed Akers Business Park project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Cumulative Impact Analysis: **No Impact -** The geographic area of this cumulative analysis is Tulare County and the City of Tulare. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, the Tulare County General Plan 2030 Update EIR. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. As such, no cumulative impact related to mineral resources will occur.

XIII. NOISE

Would the project result in:		Significant Impact	Less Than Significant Impact With Mitigation	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 ground-borne vibration or ground-borne 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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Noise Resource, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, the west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Project site is designated and has historically been used for agricultural uses. The proposed solar energy generation facility site has historically been used for grazing and irrigated row crop cultivation. The site is surrounded by scattered rural residences, irrigated row crops and rural agriculture, and convenience store/gas station and flea market. Typically, sensitive receptors on noise-sensitive lands include residences, hospitals, places of worship, libraries and schools, nature and wildlife preserves, and parks. Noise sensitive land uses located in the Project vicinity are rural residences that are located within 100-feet of the Project site.

Within the Tulare County General Plan Background Report, existing noise levels were recorded within unincorporated areas of County. Noise level data collected during continuous monitoring included the hourly Leq and Lmax and the statistical distribution of noise levels over each hour of the sample period. The community noise survey results indicate that typical noise levels in noise-sensitive areas of the unincorporated areas of Tulare County are in the range of 29-65 dB Ldn. As would be anticipated, the quietest areas are those that are removed from major transportation-related noise sources and industrial or stationary noise sources.[202]

"Noise. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). In addition to the actual instantaneous measurement of sound levels, the duration of sound is

[202] County of Tulare General Plan 2030 Update. Background Report. Page 8-77.

important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time. Typically, Leq is summed over a one-hour period.

Sound pressure is measured on a logarithmic scale with the 0 dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dB and a sound that is 10 dB less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40 to 50 dBA, while noise levels along arterial streets are generally in the 50 to 60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than that can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dBA per doubling of distance from point sources such as industrial machinery. Noise from lightly traveled roads typically attenuates at a rate of about 4.11 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance.

The actual time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. To evaluate community noise on a 24-hour basis, the day-night average sound level was developed (Ldn). Ldn is the time average of all A-weighted levels for a 24-hour period with a 10 dB upward adjustment added to those noise levels occurring between 10:00 PM and 7:00 AM to account for the general increased sensitivity of people to nighttime noise levels. The Community Noise Equivalent Level (CNEL) is identical to the Ldn with one exception. The CNEL adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). Thus, both the Ldn and CNEL noise measures represent a 24-hour average of A-weighted noise levels with Ldn providing a nighttime adjustment and CNEL providing both an evening and nighttime adjustment.

Vibration. Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Vibration can be a serious concern, causing buildings to shake and rumbling sounds to be heard. In contrast to noise, vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings and is usually measured in inches per second. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (VdB) is commonly used to measure RMS. The decibel notation acts to compress the range of numbers required to describe vibration.

High levels of vibration may cause physical personal injury or damage to buildings. However, groundborne vibration levels rarely affect human health. Instead, most people consider groundborne vibration to be an annoyance that can affect concentration or disturb sleep. In addition, high levels of groundborne vibration can damage fragile buildings or interfere with equipment that is highly sensitive to groundborne vibration (e.g., electron microscopes).

In contrast to noise, groundborne vibration is not a phenomenon that most people experience every day. The background vibration velocity level in residential areas is usually 50 RMS or lower which is well below the threshold of perception for humans (human perception is around 65 RMS). Most perceptible indoor vibration is caused by sources within buildings, such as operation of mechanical equipment, movement of people, or slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel- wheeled trains, and traffic on rough roads. If the roadway is smooth, the vibration from traffic is rarely perceptible.

Noise levels around the Project site are associated with farm equipment and associated agricultural activities, typical noise that emanates from residential uses, and pass-by vehicular noise. Maximum noise levels generated by farm-related tractors typically range from 77 to 85 dB at a distance of 50 feet from the tractor, depending on the horsepower of the tractor and the operating conditions. Due to the seasonal nature of the agricultural industry, there are often extended periods of time when no noise is generated at the Project site, followed by short-term periods of intensive mechanical equipment usage and corresponding noise

generation. During periods without noise generated by agricultural production, noise levels would be typical of other noise-sensitive areas in unincorporated Tulare County, as discussed above.

The Tulare County General Plan Background Report Safety section and the Tulare County General Plan 2030 Update serve as the primary policy statement by the County for implementing policies to maintain and improve the noise environment in Tulare County. The General Plan presents Goals and Objectives relative to planning for the noise environment within the County. Future noise/land use incompatibilities can be avoided or reduced with implementation of the Tulare County noise criteria and standards. Tulare County realizes that it may not always be possible to avoid constructing noise sensitive developments in existing noisy areas and therefore provides noise reduction strategies to be implemented in situations with potential noise/land use conflicts.[203]

Regulatory Setting

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 exposed to ground-borne vibration levels of 0.5 PPV without experiencing structural damage. [204] The FTA has identified the human annoyance response to vibration levels as 80 RMS (Root Mean Square = The square root of the arithmetic average of the squared amplitude of the signal).[205]

State

The California Noise Control Act was enacted in 1973 (Health and Safety Code § 46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff will work with the OPR to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). 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.

Local

Analytical noise modeling techniques, in conjunction with actual field noise level measurements, were used to develop generalized Ldn or Community Noise Equivalent Level (CNEL) contours for traffic noise sources within Tulare County for existing conditions. Traffic data representing annual average daily traffic volumes, truck mix, and the day/night distribution of traffic for existing conditions (1986) and future were obtained from the Tulare County Public Works Department and used in the Tulare County Noise Element. The Tulare County General Plan 2030 Update Health & Safety Element (2012) includes noise and land use compatibility standards for various land uses. These are shown in **Table 13-1** Land Use Compatibility for Community Noise Environments[206].

Tulare County General Plan 2030 Update

The Tulare County General Plan 2030 Update: Chapter 10 – Health and Safety contains the following goals and policies that relate to noise and which have potential relevance to the Project's California Environmental Quality Act (CEQA) review: *HS-8.2 Noise Impacted Areas* – wherein the County shall designate areas as noise-impacted if exposed to existing or projected noise levels that exceed 60 dB Ldn (or Community Noise Equivalent Level (CNEL)) at the exterior of buildings; *HS-8.3 Noise Sensitive Land Uses* – wherein the County shall not approve new noise sensitive uses unless effective mitigation measures are incorporated into the design of such projects to reduce noise levels to 60 dB Ldn (or CNEL) or less within outdoor activity areas and 45 dB Ldn (or CNEL) or less within interior living spaces; *HS-8.6 Noise Level Criteria* wherein the County shall ensure noise level criteria applied to land uses other than residential or other noise-sensitive uses are consistent with the

[203] Ibid.

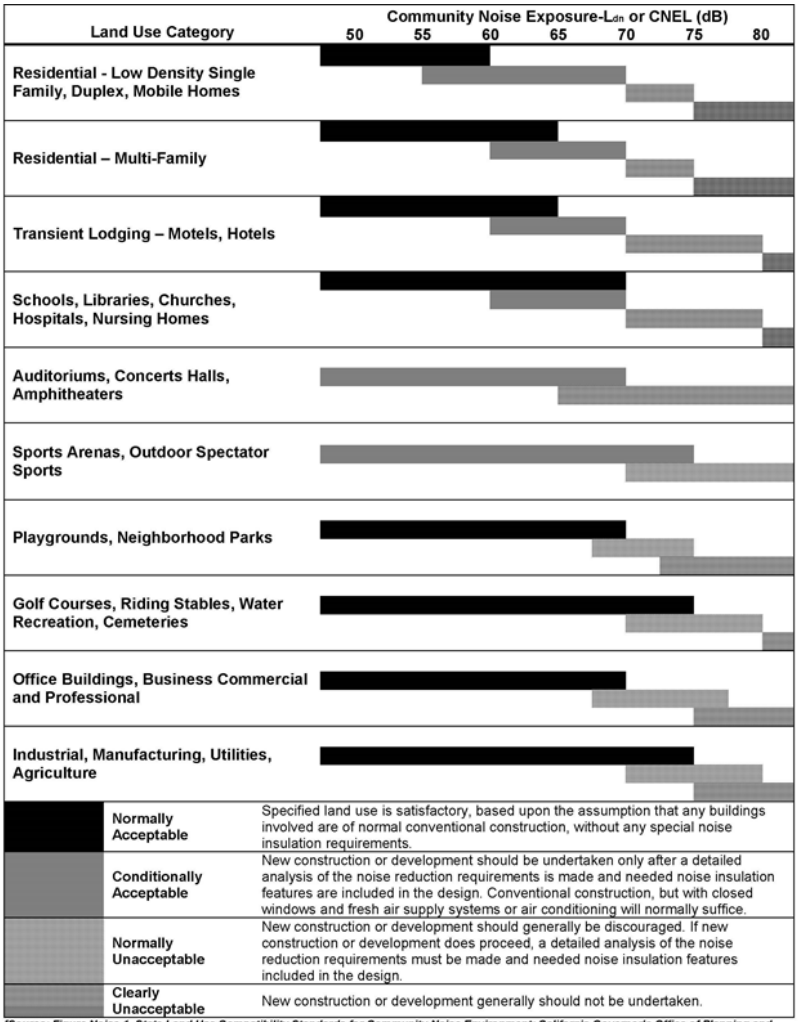
[204] U.S. Department of Transportation. Federal Transit Administration. "The Noise and Vibration Impact Assessment Manual". September 2018. FTA Report No. 0123 Federal Transit Administration. Figure 5-4 Typical levels of Ground-Borne Vibration. Pages 112 and 113. Accessed March 2023 at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

[205] Ibid. 213.

[206] Tulare County General Plan 2030 Update. Goals and Policies Report. Page 10-25.

recommendations of the California Office of Noise Control (CONC); *HS-8.8 Adjacent Uses* wherein the County shall not permit development of new industrial, commercial, or other noise-generating land uses if resulting noise levels will exceed 60 dB Ldn (or CNEL) at the boundary of areas designated and zoned for residential or other noise-sensitive uses, unless it is determined to be necessary to promote the public health, safety and welfare of the County; *HS-8.11 Peak Noise Generators* wherein the County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval; *HS-8.6 Noise Level Criteria* wherein 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-8.8 Adjacent Uses* wherein the County shall not permit development of new industrial, commercial, or other noise-generating land uses if resulting noise levels will exceed 60 dB Ldn (or CNEL) at the boundary of areas designated and zoned for residential or other noise-sensitive uses, unless it is determined to be necessary to promote the public health, safety and welfare of the County; *HS-8.11 Peak Noise Generators* wherein the County shall limit noise generating activities, such as construction, to hours of normal business operation (7 a.m. to 7 p.m.). No peak noise generating activities shall be allowed to occur outside of normal business hours without County approval; *HS-8.18 Construction Noise* wherein the County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 a.m. to 7 p.m., 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; and *HS-8.19 Construction Noise Control* wherein 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.

Table 13-1



[Source: Figure Noise-1. State Land Use Compatibility Standards for Community Noise Environment: California Governor's Office of Planning and Research, October 2003]

Project Impact Analysis:

a) Less Than Significant Impact With Mitigation: As noted earlier and summarized here, the Project would (Project) result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Project site is zoned for agricultural purposes and is surrounded by irrigated row crops, rural agriculture, and scattered rural residences. The Tulare County General Plan Background Report indicates that typical noise levels in noise-sensitive areas of the unincorporated areas of Tulare County are in the range of 29-65 dB Ldn. The Project will increase ambient noise levels, temporarily, intermittently, and on the short-term, during construction-related activities; however, the increase in noise levels will not be permanent in nature or exceed Tulare County's Maximum Acceptable Ambient Noise Exposure for Various Land Uses. The ambient noise environment in the Project vicinity is dominated by agricultural-related uses, including tractor-intensive work. The magnitude and frequency of the existing ambient noise levels may vary considerably over the course of the day and throughout the week. The variation is caused by different reasons, for example, changing weather conditions, the effects of rotation of agricultural crops, and other human activities.

Project Operational Noise Impacts: The Project would operate seven (7) days a week and 365 days per year. Remote monitoring of the facility would be conducted utilizing a Supervisory Control and Data Acquisition (SCADA) system. Any minor on-site trash generated through maintenance activities would be hauled away by maintenance crews and disposed of at approved recycling facility or landfill. Project operations and maintenance are anticipated to require up to 500 vehicle trips per year. This estimate includes up to twelve (12) trips per day during 20 total days of panel washing activities per year and approximately five (5) trips per week to address security or maintenance issues; an estimated average of 1.4 trips per day over a typical year. Except for annual (or biannual) panel washing activities, emergency repair events, and occasional security checks, the facility would not require any full-time employees located on or traveling to the site.

PV panel washing would occur approximately 1 to 2 times per year (depending on the amount of rainfall each year) using imported water. The panel washing is like common window washing and would employ no harsh chemicals or solvents. Water trucks would be brought on-site 1 to 2 times per year for the duration of approximately 10 days (20 days per year total).

Noise from electrical equipment, such as transformers, is characterized as a discrete low frequency hum. The noise from transformers is produced by alternating current flux in the core that causes it to vibrate. As the pad mounted transformers are housed in metal cabinets, the noise levels produced are anticipated to be at or below existing ambient noise levels that the Project site undergoes during current agricultural activities (which include the use of a tractor for the grading of the site).

The County of Tulare's General Plan 2030 Update Health and Safety Element (2012) sets the standard noise threshold of 60 dB Ldn at the exterior of nearby residences. Exterior noise levels in the range of 45-60 dB Ldn or Community Noise Equivalent Level (CNEL) or below are generally considered acceptable for residential land uses and 45-75 dB Ldn (or CNEL) or below are considered acceptable for industrial, manufacturing utilities, and agriculture land uses. There are rural residences and agricultural outbuildings that surround the Project site. The distance to the nearest, existing sensitive receptor (a rural residence) from the edge of the Project's proposed solar arrays will be approximately 2,600 feet from the northern portion of the Project's development area and approximately 350 feet from the southern portion of the Project's development area.

The Project will employ passive solar power generation through the use of fix-tilt mounted arrays. Unlike tracking arrays that are typically powered by drive motors to track the east/west path of the sun on a single axis throughout the day, fix-tilt mounted arrays remain stationary. Noise from a tracker motor ranges from 62 dBA to 63 dBA at one meter distance; however, as the Project will utilize fix-tilt mounted arrays, there will be no noise typically associated with a tracker motor. Therefore, there will be no long-term effects on existing ambient noise levels from the operation of the Project.

As discussed earlier, operational noise is anticipated to be below Tulare County General Plan noise standards of 60 dB Ldn (or CNEL) or less at the exterior of nearby residence and 45 dB Ldn (or CNEL) or less within interior living spaces. The impact will be less than significant.

Project Construction-Related Noise Impacts: Project construction-related will include site preparation, grading, installation of the photovoltaic (PV) solar modules, construction of an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately 6,100 linear feet) to the existing Southern California Edison (SCE) Bliss Substation. Construction-related short-term, intermittent, temporary noise levels will be higher than existing ambient noise levels in the Project area, but will no longer occur after construction is completed.

Solar generation facility construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise-generating characteristics. These various sequential phases will change the character of the noise generated on the Project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, there are similarities in the dominant noise sources and their anticipated noise levels. **Table 13-2** indicates the anticipated noise levels of the typical construction-related equipment (i.e., graders, trenchers, tractors) based on a distance of 50-feet between the equipment and the sensitive noise receptor. Installation of solar panel arrays will involve the installation of steel beams using percussive or vibration equipment in a manner similar to installing freeway guardrails. The solar panel installation will include earthwork, grading, and erosion control, and erection of the panels, supports, and associated electrical equipment.

Table 13-2
Typical Construction Noise Levels

Type of Equipment	**dBA at 50 feet**	
	Without Feasible Noise Control[1]	**With Feasible Noise Control**
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

As contained in the Project and Operations Description, construction-related phasing will occur over three Phases, 1) site preparation; 2) photovoltaic module system; and 3) inverters, transformers, substation, electrical collector system and interconnection. The Phases are described as follows:

Construction Phasing

Phase 1: Site Preparation

"Across most of the site, a low-impact mow and roll technique would be used to remove surface vegetation and keep root balls in place. This practice minimizes dust generation and the associated water requirements related to dust suppression. In addition, this practice allows for faster regeneration of vegetation cover than re-seeding alone. In some areas, grubbing and grading would be required to level particularly rough areas of the site and to prepare soils for concrete foundations for the substation equipment and inverters. Access roadbeds would also be grubbed, graded, and compacted. The fence-line would be shallowly excavated and graded to create a level surface for proper fence installation. The site cut and fill would be balanced, and all topsoil would be retained and preserved on-site."[207] Noise resulting from the construction-related equipment necessary to complete this phase will be temporary, short-term, and intermittent.

Phase 2: Photovoltaic Module System

"The structure supporting the PV module arrays would consist of steel piles (e.g., cylindrical pipes, H-beams, or similar), which would be driven into the soil using pneumatic techniques to a depth of between 3 and 5 feet. The piles are typically

[207] Project and Operations Description. Page 8. Included in Attachment "E" of this document.

spaced 12.5 feet apart beneath each array, supporting approximately eight (8) modules between each pile. For a fixed tilt mounting system, piles typically would be installed to a reveal height of approximately 4 feet above grade. Some designs allow for PV modules to be secured directly to the torque tubes using appropriate panel clamps. A galvanized metal racking system, which secures the PV modules to the installed foundations, would then be assembled in the field and attached according to the manufacturer's guidelines."[208] Similar to Phase 1, noise resulting from the construction-related equipment necessary to complete Phase 2 will be temporary, short-term, and intermittent.

Phase 3: Inverters, Transformers, Substation, Electrical Collector System and Interconnection

"Underground cables to connect panel strings would be installed using standard trenching techniques, which typically include a rubber-tired backhoe excavator or trencher. Wire depths would be in accordance with local, state, and federal requirements, and would likely be buried within excavated trenches approximately 18 inches wide and 3 feet below grade to accommodate the conduits or direct buried cables. Approximately 2 miles of trenching would be required to install the 34.5 kV conduits within the Project site. After excavation, cable rated for direct burial or cables installed inside a PVC conduit would be installed in the trench, and the excavated soil would likely be used to fill the trench and be lightly compressed. All electrical inverters and the transformer would be placed on concrete foundation structures or steel skids. The concrete foundations would be 1 foot thick with up to 6 inches below ground as needed for stabilization. Commissioning of equipment would include testing, calibration of equipment, and troubleshooting. Upon completion of successful testing, the equipment would be energized. The substation area would be excavated for the transformer equipment. The southern site's substation would be graded and compacted to an approximately level grade. The foundation for the substations would be formed with plywood and reinforced with structural rebar. A concrete pad would be constructed on each site as a foundation for the substation equipment, and the remaining area would be compacted with gravel or similar surface material."[209] Like Phases 1 and 2, noise resulting from the construction-related equipment necessary to complete Phase 3 will also be temporary, short-term, and intermittent.

All three Phases would result in temporary, short-term, and intermittent noise from the construction-related equipment necessary to complete the Phases. The applicant anticipates completion of the entire Project site in eight months. "Initial site grading would take two (2) to three (3) weeks. The remainder of the construction period would consist of on-site assembly and installation of PV panels, which would not require heavy machinery. Construction would commence upon acquisition of all necessary permits, approvals, power sale, and financing. The Project would be constructed into (27) varying size blocks, with (15) blocks in the northern proposed development area and (12) in the southern development area. Construction of the (12) blocks in the southern development area would be initiated first. There may be a few months of delay in starting construction of the south section, due to delays in SCE work. Separate staging areas in the northern portion of each development area would be used for material staging and storage, portable construction maintenance trailer, and construction parking. Upon completion of the final block, soils would be redistributed, and the site would be stabilized, and Project commissioning would ensue."[210]

The General Plan 2030 Update Health and Safety Element (2012) does not identify short-term, construction-noise-level thresholds. It limits noise generating activities (such as construction) to hours of normal business operation unless specific County approval is given. Construction-related activities will be restricted to daytime hours and will be short-term and temporary in nature.

Construction noise will be similar in character to existing noise in the area resulting from agricultural operations. Construction will occur throughout the Project site, will not be concentrated or confined in the area directly adjacent to sensitive receptors and will result in short-term, temporary periodic increases in noise. Normally, construction-related activities occur in small construction zones with noise emanating from the various points in the area. In several instances, the sensitive receptors located in the Project area are shielded from the construction areas by distance, existing roadways, agricultural vegetation, and agricultural-related structures.

Construction-related activities will adhere to the Tulare County General Plan goals and policies, the Tulare County Zoning Ordinance, and **Mitigation Measures 13-1** through **13-5**. As there will be no long-term, on-going, operational noise (outside of equipment used to spray wash the panels and during maintenance activities (as needed), **Mitigation Measures 13-1** through **13-5**, would reduce the short-term, intermittent, and temporary noise from construction-related activities.

[208] Ibid. 8-9.
[209] Op. Cit.
[210] Op. Cit. 7.

Therefore, implementation of **Mitigation Measures 13-1** through **13-5** would reduce the impacts from construction-related activities noise to a less than significant impact with mitigation.

13-1: Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer.

13-2: Construction activities, excluding activities required to occur without interruption or activities that would pose a significant safety risk to workers or citizens, shall be limited to between the daytime hours of 7:00 a.m. and 7:00 p.m.

13-3: Portable/stationary equipment (e.g., generators, compressors) shall be located at the furthest distance from the nearest residential dwelling.

13-4: As directed by the County resident engineer, the contractor shall implement appropriate additional noise abatement measures including, but not limited to, siting the location of stationary construction equipment away from sensitive noise receptors to the greatest extent feasible, turning off idling equipment after no more than five minutes of inactivity, and rescheduling construction activity to avoid noise-sensitive days or times.

13-5: Use alternative pile installation techniques (e.g., drilled piles) to the extent possible.

b) Less Than Significant Impact: "Vibration is an oscillatory motion that can be described in terms of the displacement, velocity, or acceleration. Because the motion is oscillatory, there is no net movement of the vibration element and the average of any of the motion metrics is zero. Displacement is the most intuitive metric. For a vibrating floor, the displacement is simply the distance that a point on the floor moves away from its static position. The velocity represents the instantaneous speed of the floor movement and acceleration is the rate of change of the speed. Although displacement is easier to understand than velocity or acceleration, it is rarely used for describing ground-borne vibration. Most transducers used for measuring ground-borne vibration use either velocity or acceleration. Furthermore, the response of humans, buildings, and equipment to vibration is more accurately described using velocity or acceleration."[211]

"The effects of ground-borne vibration can include perceptible movement of floors in buildings, rattling of windows, shaking of items on shelves or hanging on walls, and low-frequency noise (ground-borne noise). Building damage is not a factor for typical transportation projects, but in extreme cases, such as during blasting or pile-driving during construction, vibration could cause damage to buildings. Although the perceptibility threshold is approximately 65 VdB, human response to vibration is not usually substantial unless the vibration exceeds 70 VdB. A vibration level that causes annoyance is well below the damage risk threshold for typical buildings (100 VdB)."[212] "Ground-borne vibration is almost never a problem outdoors. Although the motion of the ground may be perceived, without the effects associated with the shaking of a building, the motion does not provoke the same adverse human reaction."[213] **Table 13-3** presents the human response to different levels of ground-borne vibration and noise. "The vibration level (VdB) is presented with the corresponding frequency assuming that the vibration spectrum peaks at 30 Hz or 60 Hz.(xi) The groundborne noise levels (dBA) are estimated for the specified vibration velocity with a peak vibration spectrum of 30 Hz (Low Freq) and 60 Hz (Mid Freq). Note that the human response differs for vibration velocity level based on frequency. For example, the noise caused by vibrating structural components may cause annoyance even though the vibration cannot be felt. Alternatively, a low frequency vibration can cause annoyance while the ground-borne noise level it generates does not."[214]

Table 13-3
Human Response to Different levels of Ground-Bourne Vibration and Noise[215]

Vibration Velocity Level	Noise Level		Human Response
	Low Freq*	Mid Freq**	
65 VdB	25 dBA	40dBA	Approximate threshold of perception for many humans. Low frequency sound: usually inaudible. Mid-

[211] U.S. DOT. FTA. Transit Noise & Vibration Impact Assessment Manual. September 2022. Page 110. Accessed March 2023 at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

[212] Ibid. 117-118.

[213] Op. Cit. 118.

[214] Op. Cit. 119.

[215] Op. Cit. 120.

			frequency sound: excessive for quiet sleeping areas.
75 VdB	35 dBA	50dBA	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find transit vibration at this level annoying. Low-frequency noise: tolerable for sleeping areas. Mid-frequency noise: excessive in most quiet occupied
85 VdB	45 dBA	60dBA	Vibration tolerable only if there are an infrequent number of events per day. Low-frequency noise: excessive for sleeping areas. Mid-frequency noise: excessive even for infrequent events for some activities.
**Approximate noise level when vibration spectrum peak is near 30 Hz.* ***Approximate noise level when vibration spectrum peak is near 60 Hz.*			

Table 13-4 presents average source levels in terms of velocity for various types of construction equipment measured under a wide variety of construction activities.

Table 13-4
Vibration Source Levels for Construction Equipment[216]

Equipment		**PPV at 25 ft. in/sec**	**Approximate Lv * at 25 ft**
Pile Driver (impact)	upper range	1.518	112
	typical	0.644	104
Pile Driver (sonic)	upper range	0.734	105
	typical	0.17	93
Clam shovel drop (slurry wall)		0.202	94
Hydromilll (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.21	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58
**RMS velocity in decibels, VDB re 1 micro-in/sec*			

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.

Construction Related Vibration Impacts: While construction-related activities will result in minor amounts of groundbourne vibration, such groundbourne noise or vibration will attenuate rapidly from the source and will not be generally perceptible outside of the construction areas. As such, impacts to the neighboring sensitive receptor will be less than significant.

Project Operational Vibration Impacts: As described in Impact 13 a), The Project will largely result in typical agricultural/industrial use-related noise. Typical noise will likely result from vehicles accessing and egressing the site, on-site fork lifts and small loaders, etc. Other than these sources there will be no vibrational impacts from Project operation. As such, there will be no exposure of persons to or generation of excessive groundborne vibration.

Therefore, the Project would result in a less than significant impact and would not generate excessive ground-borne vibration or ground-borne noise.

c) No Impact: The nearest public airport or public use or airport, Mefford Field Airport, is located approximately 6.25 miles west of the Project site. Therefore, the Project site is located outside of the 55 dB CNEL noise contour. The Project is not within an airport land use plan or within two miles of a public airport or public use airport. The Project will not conflict

[216] Op. Cit. 184.

with Tulare County Airport Land Use Plan policy. The project would not expose people residing or working in the project area to excessive noise levels. Therefore, there will be no impact.

Cumulative Impact Analysis: **No-to-Less Than Significant Impact -** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR. As discussed earlier, implementation of the Project will not result in a substantial increase in ambient noise levels as a result of construction and decommissioning related activities, construction related traffic, on site stationary sources, and operational traffic, nor would operations of the Project result in any long term or excessive vibration impacts As a result, the Project will not result in a significant cumulative contribution to noise levels that will adversely affect nearby land uses. As the Project site is not located within area covered by an airport land use plan or within two miles of a public airport or public use airport, the Project will result in a no-to-less than significant impact to noise.

XIV. POPULATION AND HOUSING

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Population and Housing, etc. contained in the Tulare County General Plan 2030 Update and Tulare County associated EIR are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Tulare County is located in a geographically diverse region with the majestic peaks of the Sierra Nevada framing its eastern region, while its western portion includes the San Joaquin Valley floor, which is very fertile and extensively cultivated. In addition to its agricultural production, the County's economic base also includes agricultural packing and shipping operations. Small and medium size manufacturing plants are located in the western part of the county and are increasing in number. Tulare County contains portions of Sequoia National Forest, Sequoia National Monument, Inyo National Forest, and Kings Canyon National Park. Sequoia National Park is entirely contained within the county.

The County encompasses approximately 4,840 square miles of classified lands (lands with identified uses) and can be divided into three general topographical zones: a valley region; a foothill region east of the valley area; and a mountain region just east of the foothills. The eastern half of the county is generally comprised of public lands, including the Mountain Home State Forest, Golden Trout Wilderness area, and portions of the Dome Land and south Sierra Wilderness areas. Federal lands, which include wilderness, national forests, monuments and parks, along with County parks, make up 52 percent of the County, the largest percentage found in the County. Agricultural uses, which include row crops, orchards, dairies, and grazing lands on the Valley floor and in the foothills total over 2,020 square miles or about 43 percent of the entire County. Urban uses such as incorporated cities, communities, hamlets, other unincorporated urban uses, and infrastructure rights-of-way make up the remaining land in the County

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The California Department of Finance (DOF) provides population estimates for Tulare County. According to DOF population estimates, between 2020 and 2022, Tulare County grew from 474,032 to 475,014[217] persons; an increase of 1,897 persons. The population between 2010 (442,179) and 2020 (479,403)[218], the County experienced an increase of 37,224 persons; an average yearly growth of 3,722 persons/year. The 2010-2020 trend is approximately twice the rate of the 2020-2022 trend.

[217] State of California. Department of Finance. E-4 Population Estimates for City, Counties, and the State, 2018-2018. Sacramento, California. November 2012. Accessed in March 2023 at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F352%2FForecasting%2FDemographics%2FDocuments%2FE-4_2022_InternetVersion.xlsx&wdOrigin=BROWSELINK

[218] Ibid. E-4 Population Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark. Accessed March 2023 at: https://dof.ca.gov/forecasting/Demographics/estimates/e-4-population-estimates-for-cities-counties-and-the-state-2011-2020-with-2010-census-benchmark-new/.

The annual growth rate for the entire County is anticipated to increase from 1.9 percent to 2.4 percent through 2030. While the percentage of the County's population living in incorporated cities is anticipated to increase by 2030, the percentage of persons living in unincorporated areas in the County will decrease by 2030. The Tulare County Association of Governments (TCAG) projects an additional 313,970 people to be living in Tulare County by 2030 for a total projected population of approximately 742,970.[219]

Regulatory Setting

Federal

"HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes: utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business."[220] However, as the Project does not propose any housing, HUD or other, federal regulations do not apply.

State

California Department of Housing and Community Development (HCD)

HCD's mission is to "Promote safe, affordable homes and strong vibrant communities throughout California." "In 1977, the State Department of Housing and Community Development (HCD) adopted regulations under the California Administrative Code, known as the Housing Element Guidelines, which are to be followed by local governments in the preparation of local housing elements. AB 2853, enacted in 1980, further codified housing element requirements. Since that time, new amendments to State Housing Law have been enacted. Each of these amendments has been considered during development of this Housing Element."[221]

California Relocation Assistance Act

The State of California adopted the California Relocation Assistance Act (California Government Code §7260 et seq.) in 1970. This State law, which follows the federal Uniform Relocation Assistance and Real Property Acquisition Act, requires public agencies to provide procedural protections and benefits when they displace businesses, homeowners, and tenants in the process of implementing public programs and projects. This State law calls for fair, uniform, and equitable treatment of all affected persons through the provision of relocation benefits and assistance to minimize the hardship of displacement on the affected persons. There are no state regulations that are relevant to this Project.

Local

Tulare County Regional Housing Needs Assessment Plan 2014-2023

The Tulare County Association of Governments (TCAG) was responsible for allocating the State's projections to each local jurisdiction within Tulare County including the County unincorporated area, which is reflected in this Housing Element. Tulare County has no control over the countywide population and housing projections provided to TCAG when it prepared the Regional Housing Needs Assessment Plan (RHNA). As the Project does not include (or remove/displace) any housing, the RHNA does not apply.

Tulare County Regional Blueprint 2009

This Blueprint includes the following preferred growth scenario principals:[222]

- Increase densities county-wide by 25% over the status quo densities;

[219] Tulare County General Plan 2030 Update. General Plan Background Report. Table 2-16. Page 2-30 and 2-31.

[220] U.S. Department of Housing and Urban Development. Mission. Accessed March 2023 at: https://www.hud.gov/about/mission.

[221] Tulare County Housing Element 2015 Update. Page 1-3. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents/GP/001Adopted%20Tulare%20County%20General%20Plan%20Materials/110Part%20I%20Voluntary%20Elements%20Chapters%206,%2012%20and%2015/001CHP%206%20Tulare%20County%20Housing%20Element%20Update%202015/CHP%206%20Tulare%20County%20Housing%20Element%20Update%202015.pdf

[222] TCAG. Tulare County Regional Blueprint. May 2009. Page 18. Accessed March 2023 at: https://tularecog.org/tcag/planning/regional-transportation-plan-rtp/rtp-20181/tulare-county-blue-print/.

- Establish light rail between cities;
- Extend Highway 65 north to Fresno County;
- Expand transit throughout the county;
- Maintain urban separators around cities; and
- Growth will be directed toward incorporated cities and communities where urban development exists and where comprehensive services and infrastructure are or will be provided.

Tulare County Housing Authority

"The Housing Authority of the County of Tulare (HATC) has been officially designated as the local public housing agency for the County of Tulare by the Board of Supervisors and was created pursuant to federal and state laws. …HATC is a unique hybrid: a public sector agency with private sector business practices. Their major source of income is the rents from residents. The HATC mission is "to provide affordable, well-maintained rental housing to qualified low- and very low-income families. Priority shall be given to working families, seniors and the disabled. Tenant self sufficiency and responsibility shall be encouraged. Programs shall be self-supporting to the maximum extent feasible." [223]

HATC provides rental assistance to very low and moderate-income families, seniors and the handicapped throughout the county. HATC offers many different programs, including the conventional public housing program, the housing choice voucher program (Section 8), the farm labor program for families with farm labor income, senior housing programs, and other programs. They also own or manage some individual subsidized rental complexes that do not fall under the previous categories, and can provide information about other affordable housing that is available in Tulare County. All programs are handicap accessible. Almost all of the complexes have 55-year recorded affordability covenants."[224] As noted earlier, the Project does not include (or remove/displace) any public housing, no impact would occur to HATC's objectives/programs.

Tulare County Housing Authority

"The Housing Authority of the County of Tulare (HATC) has been officially designated as the local public housing agency for the County of Tulare by the Board of Supervisors and was created pursuant to federal and state laws. …HATC is a unique hybrid: a public sector agency with private sector business practices. Their major source of income is the rents from residents. The HATC mission is "to provide affordable, well-maintained rental housing to qualified low- and very low-income families. Priority shall be given to working families, seniors and the disabled. Tenant self sufficiency and responsibility shall be encouraged. Programs shall be self-supporting to the maximum extent feasible."

HATC provides rental assistance to very low and moderate-income families, seniors and the handicapped throughout the county. HATC offers many different programs, including the conventional public housing program, the housing choice voucher program (Section 8), the farm labor program for families with farm labor income, senior housing programs, and other programs. They also own or manage some individual subsidized rental complexes that do not fall under the previous categories, and can provide information about other affordable housing that is available in Tulare County. All programs are handicap accessible. Almost all of the complexes have 55-year recorded affordability covenants." [225]

Tulare County General Plan/Housing Element Policies

As this is a renewable energy project (i.e., no housing units are proposed), there are no policies from the Tulare County General Plan/Housing Element that would apply to this Project.

Project Impact Analysis:

a) and b) No Impact: As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, the west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing

[223] Tulare County Housing Element 2015 Update. Page 5-12. Accessed March 2023 at: http://generalplan.co.tulare.ca.us/documents/GP/001Adopted%20Tulare%20County%20General%20Plan%20Materials/110Part%20I%20Voluntary%20Elements%20Chapters%206,%2012%20and%2015/001CHP%206%20Tulare%20County%20Housing%20Element%20Update%202015/CHP%206%20TULARE%20COUNTY%20HOUSING%20ELEMENT%20UPDATE%202015.pdf

[224] Ibid.

[225] Tulare County Housing Element 2015 Update. Page 5-12.

substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Total Project construction will take approximately eight continuous months to complete. Construction workers may be drawn from the local and regional area. No employees will be stationed at the site. Workers will only visit the site for occasional cleaning, maintenance, and repair. The site would be monitored remotely and will not require any permanent, on-site employees. The workers are anticipated to be drawn from the nearby, local labor and regional workforce. No 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) will occur. The Project will not induce population growth will not induce population growth, nor will it displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, the Project will not impact this resource Item.

Cumulative Impact Analysis: **No Impact:** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR.

As previously discussed, the Project does not include development of homes or businesses nor does it propose road extensions or additional infrastructure that will generate adverse population growth as a result of the Project, nor will the Project impact existing housing units or people that will be affected as a result of the Project. The Project will not displace any housing units or people, necessitating the construction of replacement housing elsewhere. As such, no cumulative impact related to population and housing will occur.

XV. PUBLIC SERVICES

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:		SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT IMPACT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
a)	Fire protection?	☐	☐	☒	☐
b)	Police protection?	☐	☐	☒	☐
c)	Schools?	☐	☐	☐	☒
d)	Parks?	☐	☐	☐	☒
e)	Other public facilities?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Public Services, etc. contained in the Tulare County General Plan 2030 Update and General Plan Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, the west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Tulare County Sheriff's Department provides law enforcement protection services to the unincorporated County. The nearest Sheriff's Office station is the Porterville Sheriff Substation is located approximately 12.5 miles east (at 379 N. 3rd St.) of the Project site; the next nearest Sheriff Substation is located at 161 N. Pine Street (near Pixley, CA), approximately 14.25 miles southwest of the Project site. It is noted that Sheriff patrols are constantly circulating/patrolling and it would be speculative to estimate actual police response times.

Tulare County Fire Department provides fire protection services with the nearest substation, Fire Station No. 16 (located at 19603 Avenue 228 near Lindsay, CA), is approximately 4.5 miles east of the Project site; while the next nearest (Fire Station No. 25) is also approximately 6.75 miles west of the Project site.

The nearest elementary school (Sundale Union Elementary School) is located approximately five (5.0) miles northwest of the Project site; the next nearest school is Woodville Elementary School (in Woodville) approximately 5.25 miles south. Also, see parks discussion at Item 15 Recreation.

The nearest County owned/operated park is Plainview Park located approximately 4,5 miles southeast of the Project site; the next nearest County owned/operated park is Woodville Park located approximately five (5) miles south of the Project site.

Regulatory Setting

Federal

None that are applicable to this Project.

State

California Fire Code and Building Code

The purpose of the California Fire Code (Title 24, Part 9 of the California Code of Regulations) is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.[226]

Local

Tulare County General Plan 2030 Update

The following Tulare County General Plan 2030 Update, Chapter 14 – Public Facilities and Services, contains the following policies that relate to public services and may apply to this Project: *PFS-7.2 Fire Protection Standards* wherein the County shall require all new development to be adequately served by water supplies, storage, and conveyance facilities supplying adequate volume, pressure, and capacity for fire protection*; PFS-7.5 Fire Staffing and Response Time Standards* wherein the County shall strive to maintain fire department staffing and response time goals consistent with National Fire Protection Association (NFPA) standards; *PFS-7.6 Provision of Station Facilities and Equipment* wherein the County shall strive to provide sheriff and fire station facilities, equipment (engines and other apparatus), and staffing necessary to maintain the County's service goals. The County shall continue to cooperate with mutual aid providers to provide coverage throughout the County*;*

Fire Staffing and Reponses Time Standards			
	Demographics	**Staffing/Response Time**	**% of Calls**
Urban	> 1,000 people/sq. mi.	15 fire fighters (FF)/9 min.	90
Suburban	500-100 people/sq. mi.	10 FF/10 min.	80
Rural	< 500 people/sq. mi.	6 FF/14 min.	80
Remote*	Travel Dist.>8 min.	4 FF/no specific response time	90
**Upon assembling the necessary resources at the emergency scene, the fire department should have the capacity to safety commence an initial attach within 2 minutes, 90% of the time.*			

PFS-7.9 Sheriff Response Time wherein the County shall work with the Sheriff's Department to achieve and maintain a response time of:

1. Less than 10 minutes for 90 percent of the calls in the valley region; and
2. 15 minutes for 75 percent of the calls in the foothill and mountain regions;

and *PFS-7.12 Design Features for Crime Prevention and Reduction* wherein the County shall promote the use of building and site design features as means for crime prevention and reduction.

Project Impact Analysis:

a) Less Than Significant Impact: The County of Tulare will continue to provide fire protection services to the proposed Project site upon development. The proposed is within the service area of the Tulare County Fire Department. The County of Tulare Fire Department has 28 stations that are located throughout the County within its most densely populated areas and currently maintains minimal staffing to meet the requirements set forth under NFPA 1720 1721 for a rural area. As noted earlier, the nearest station is approximately 4.5 miles east of the Project site. No residential or office construction is identified with this Project. Vegetation that could present a fire hazard will be removed from the Project site. Additionally, gravel will likely be placed around high voltage equipment to prevent the spread of fire in the unlikely event of an explosion. As a result of these project design features, impacts to fire protection services will be less than significant.

b) Less Than Significant Impact: The County of Tulare will continue to provide police protection services to the Project site upon development. As noted earlier; the nearest Sherriff's Office is located approximately 12.5 miles east). The Project would not generate new permanent residents, and therefore the number of emergency law enforcement calls originating from the Project site would remain low. As discussed in Item 14 a), no residential or office construction is proposed for this Project. Lighting will be installed along the Project perimeter, 6-feet tall chain-link security fence, lighting on motion sensors, and remotely viewed monitoring will be present across the facilities to lessen any potential impacts from theft and vandalism. As a result of these measures, any impact to police services will be less than significant.

[226] 2019 California Fire Code (Title 24, Part 9 of the California Code of Regulations). 1.1.2 Purpose. Page 3. Accessed March 2023 at: Building Department - RMA (ca.gov) then click CHAPTER 24 - FLAMMABLE FINISHES, 2019 California Fire Code, Title 24, Part 9 | ICC Digital Codes (iccsafe.org)

c)-e) No Impact: The nearest school, Sundale Union Elementary School, is located approximately five (5) miles north of the Project site. However, as discussed in Item 14 a), the Project will not include construction of any residential structures which could result in increases of school-aged children, nor change the existing land use. The Project will not result in an increase of population that will require additional school facilities because no employees will be assigned to on-site occupancy. Plain Park is the nearest park to the Project site and is located approximately 4.5 miles southeast of the Project site. As the Project will not induce population growth, the Project will not create a need for additional park or recreational services. No employees will be assigned to on-site occupancy at the Project site. There are no other public services (such as wastewater treatment facilities/systems) near the Project site. The nearest public use utility is the existing Southern California Edison (SCE) Bliss substation located directly adjacent to the southern portion of the Project. SCE limits the amount of direct line taps into transmission lines and requires most projects to connect to a SCE substation or to build a new SCE substation. The Project will include construction of a new distribution interconnect power line within private property to the existing substation. As such, there will be no impact to these resources.

Cumulative Impact Analysis: **No-to-Less Than Significant Impact:** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR. In summary, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. As noted earlier, the Project will not result in significant population growth in the area. Impacts to fire and polices services, schools, parks and libraries are generally the result of new residential developments. Since there are no proposed new residential facilities associated with the Project (and the Project proponent anticipates utilizing the existing workforce in the area), there are no-to-less than significant impacts to public services.

XVI. RECREATION

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Recreation, etc. contained in the Tulare County General Plan 2030 Update and Tulare County General Plan Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"Tulare County contains several county, state, and federal parks. Aside from parks in the county, there are many open space areas as well. This section will highlight these various parks and open space areas and identify recreational opportunities within them."[227] Two new parks were completed and became operational in the unincorporated communities of Plainview (Plainview Community Park) in 2016 and Earlimart (Earlimart Community Park) in 2017. In addition to the 15 parks and recreation facilities that are owned and operated by Tulare County, there are State Parks and Forests, National Parks and National Forests, trails, and recreational areas.

Federal

Lakes Kaweah and Success

"Lake Kaweah was formed after the construction of the Terminus Dam on the Kaweah River in 1962. The lake offers many recreational opportunities including fishing, camping, and boating. Lake Kaweah is located 20 miles east of Visalia on Highway 198 and was constructed by the U.S. Army Corps of Engineers for flood control and water conservation purposes. The lake has a maximum capacity to store 143,000 acre-feet of water. There are a total of 80 campsites at the lake's Horse Creek Campground, which contains toilets, showers and a playground. Campfire programs are also available. Aside from camping, boat ramps are provided at the Lemon Hill and Kaweah Recreation Areas. Both Kaweah and Horse Creek provide picnic areas, barbecue grills and piped water. Swimming is allowed in designated areas. In addition, there is a one-mile hiking trail between Slick Rock and Cobble Knoll, which is ideal for bird watching.

Lake Success was formed by construction of the Success Dam on the Tule River in 1961. The lake offers many recreational activities including fishing, boating, waterskiing, and picnicking. The U.S. Army Corps of Engineers (USACOE) constructed this reservoir for both flood control and irrigation purposes. The lake has a capacity of 85,000 acre-feet of water. The lake is

[227] Tulare County General Plan 2030 Update Background Report. February 2010. Page 4-1. Accessed May 2022 at: http://generalplan.co.tulare.ca.us/documents.html then scroll to and click on *"Appendix B-Background Report"*

located eight miles east of Porterville in the Sierra Nevada foothills area. Recreational opportunities include ranger programs, camping at the Tule campground, which provides 104 sites, boating, fishing, picnic sites, playgrounds and a softball field. Seasonal hunting is also permitted in the 1,400-acre Wildlife Management Area."[228]

National Parks and National Forests

"Most of the recreational opportunities in the county are located in Sequoia National Forest, Giant Sequoia National Monument, and in Sequoia and Kings Canyon National Parks (SEKI). Although these parks span adjacent counties, they make a significant contribution to the recreational opportunities that Tulare County has to offer."[229]

Sequoia National Forest

"Sequoia National Forest takes its name from the Giant Sequoia, which is the world's largest tree. There are more than 30 groves of sequoias in the lower slopes of the park. The park includes over 1,500 miles of maintained roads, 1,000 miles of abandoned roads and 850 miles of trails for hikers, off-highway vehicle users and horseback riders. The Pacific Crest Trail connecting Canada and Mexico, crosses a portion of the forest, 78 miles of the total 2,600 miles of the entire trail. It is estimated that 10 to 13 million people visit the forest each year. "[230]

Giant Sequoia National Monument

"The Giant Sequoia National Monument was created in 2000 by President Clinton in an effort to preserve 34 groves of ancient sequoias located in the Sequoia National Forest. The Monument includes a total of 327,769 acres of federal land, and provides various recreational opportunities, including camping, picnicking, fishing, and whitewater rafting. According to the Giant Sequoia National Monument Management Plan EIS, the Monument includes a total of 21 family campgrounds with 502 campsites and seven group campgrounds. In addition, there are approximately 160 miles of system trails, including 12 miles of the Summit National Recreation Trail."[231]

Sequoia and Kings Canyon National Parks (SEKI)

"The U.S. Congress created the Kings Canyon National Park in 1940 and Sequoia National Park in 1890. Because they share many miles of common boundaries, they are managed as one park. The extreme large elevation ranges in the parks (from 1,500 to 14,491 feet above sea level), provide for a wide range of vegetative and wildlife habitats. This is witnessed from exploring Mt. Whitney, which rises to an elevation of 14,491 feet, and is the tallest mountain in the contiguous United States. During the summer months, park rangers lead walks through the parks, and tours of Crystal and Boyden Caves. During the winter, visitors explore the higher elevations of the parks via cross country skis or snowshoes, or hike the trails in the foothills. The SEKI also contains visitor lodges, the majority of which are open year round. According to the National Parks Conservation Association, a combined total of approximately 1.5 million people visit the two parks on an annual basis."[232]

State

"The Mountain Home State Forest is a State Forest managed by the California Department of Forestry and Fire Protection (CDF). The Forest consists of 4,807 acres of parkland containing a number of Giant Sequoias, and is located just east of Porterville. The Forest is a Demonstration Forest, which is considered timberland that is managed for forestry education, research, and recreation. Fishing ponds, hiking trails, and campsites are some of the amenities that can be found in the Forest."[233] Colonel Allensworth State Historic Park (approximately 3,715 acres in area) is located in the unincorporated community of Allensworth in southwestern Tulare County.

Other Recreational Facilities

[228] Ibid. 4-7.
[229] Op. Cit. 4-8.
[230] Op. Cit. 4-9.
[231] Op. Cit.
[232] Op. Cit.
[233] Op. Cit. 4-7.

Other recreational resources available in Tulare County include portions of the Pacific Crest Trail, South Sierra Wilderness Area, Dome Land Wilderness Area, Golden Trout Wilderness Area, International Agri-Center, and the Tulare County Fairgrounds.[234]

In addition, there are several nature preserves open to the public which are owned and operated by non-profit organizations, including the Kaweah Oaks Preserve and Dry Creek- Homer Ranch preserves, both owned and operated by Sequoia Riverlands Trust.

Local

Parks

The nearest County owned/operated park is Plainview Park located approximately 4,5 miles southeast of the Project site; the next nearest County owned/operated park is Woodville Park located approximately five (5) miles south of the Project site.

Schools

"A total of 48 school districts provide education throughout Tulare County... Of the 48 school districts, seven are unified districts providing educational services for kindergarten through 12th grade. The remaining 41 districts consist of 36 elementary school districts and four high school districts. Many districts only have one school."[235] The nearest elementary school (Sundale Union Elementary School) is located approximately five (5.0) miles northwest of the Project site; the next nearest school is Woodville Elementary School (in Woodville) approximately 5.25 miles south.

Regulatory Setting

Federal

None that apply to this Project.

State

None that apply to this Project.

Local

Project Impact Analysis:

a) and b) No Impact: As discussed in Item 15 e), the proposed Project will not increase the demand for recreational facilities, nor will it put a strain on the existing recreational facilities. The nearest park is Plainview Park (approximately four miles northeast). The Project does not include recreational facilities. Since there is no population growth associated with the Project, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; further, there will be no need to construct or expand any recreational facilities as there would be no adverse physical effect on the environment. Therefore, there will be no impact to this resource.

Cumulative Impact Analysis: **No Impact:** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a

[234] Op. Cit. 4-10 to 4-11.

[235] Tulare County General Plan 2030 Update Background Report. Pages 7-75 and 7-76. Accessed September 2022 at: http://generalplan.co.tulare.ca.us/documents.html then scroll to Recirculated Draft EIR, the click on "Appendix B-Background Report"

20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. As noted earlier, since there is no population growth associated with the Project, there would be no impacts to the recreation resource.

XVII. TRANSPORTATION

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Transportation Resource, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"Tulare County has two major regional highways, State Highway [Route] 99 and 198. State Highway [Route] 99 connects Tulare County to Fresno and Sacramento to the north and Bakersfield to the south. State Highway 198 connects from U.S. Highway 101 on the west and continues eastward to Tulare County, passing through the City of Visalia and into Sequoia National Park. The highway system in the County also includes State highways, County-maintained roads, and local streets within each of the eight cities."[236]

"Tulare County's transportation system is composed of several State Routes, including three freeways, multiple highways, as well as numerous county and city routes. The county's public transit system also includes two common carriers (Greyhound and Orange Belt Stages), the AMTRAK Service Link, other local agency transit and paratransit services, general aviation, limited passenger air service and freight rail service.

Travel within Tulare County is a function of the size and spatial distribution of its population, economic activity, and the relationship to other major activity centers within the Central Valley (such as Fresno and Bakersfield) as well as more distant urban centers such as Los Angeles, Sacramento, and the Bay Area. In addition, there is considerable travel between the northwest portions of Tulare County and southern Fresno County and travel to/from Kings County to the west. Due to the interrelationship between urban and rural activities (employment, housing, services, etc.) and the low average density/ intensity of land uses, the private automobile is the dominant mode of travel for residents in Tulare County."[237]

The nearest railroad to the Project site is Union Pacific Railroad (UPR), approximately seven miles to the west. The UPR provides freight service and functions to connect Tulare County with both northern and southern markets.

[236] Tulare County General Plan 2030 Update. Page 13-2. Accessed September 2022 at: http://generalplan.co.tulare.ca.us/index.asp.

[237] Tulare County General Plan 2030 Update Background Report. Page 5-4.

There are seven public use airports in Tulare County. These include six publicly owned and operated facilities (Porterville Municipal, Sequoia Field, Tulare Municipal [Mefford Field], Visalia Municipal, Woodlake, Exeter Airport, and Eckert Field." [238] As noted earlier, Mefford Field Airport (in the City of Tulare), is located approximately 4.8 miles southwest of the site and is the nearest airport.

Design for Emergency Access

According to § 21060.3 and § 15359 of the CEQA Guidelines, an "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

Alternative Transportation

"Transit planning in Tulare County is done at the county and local level. The Tulare County Association of Governments (TCAG) is the County's designated Metropolitan Planning Organization (MPO) and also serves as the Tulare County Council of Governments, Transportation Authority, and Regional Transportation Planning Agency. TCAG's nine member agencies include eight incorporated cities (Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake) and Tulare County."[239] Fixed routes transit services operating in Tulare County are provided by Dinuba Area Regional Transit (DART - Flexroute), Porterville Transit (COLT), Tulare Intermodal Express (TIME), Tulare County Area Transit (TCaT), Visalia Transit, and Visalia-Fresno intercity service (V-Line).[240]

Regulatory Setting

Federal

Several federal regulations govern transportation issues. They include: Title 49, CFR, Sections 171-177 (49 CFR 171-177) which 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 which address safety considerations for the transport of goods, materials, and substances over public highways; and 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, which directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

State

CEQA Guidelines Section 15064.3, Subdivision (b): Criteria for Analyzing Transportation Impacts

(2) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact.

(3) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in Section 15152.

(4) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a

[238] Tulare County Comprehensive Airport Land Use Plan. Pages 1-1 and 1-3 Accessed March 2023 at: https://tularecounty.ca.gov/rma/rma-documents/planning-documents/tulare-county-comprehensive-airport-land-use-plan/

[239] Tulare County Association of Governments (TCAG). Tulare County Long Range Transit Plan. Page 2-2. Accessed March 2023 at: https://tularecog.org/tcag/planning/transit-planning/transit-plans/transit-development-plans-short-and-long-range-transit-plans/tulare-county-regional-long-range-transit-plan/

[240] Ibid. 30-32.

qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(5) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

Caltrans: 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". At its nearest point, the Project site is located approximately 2.5 miles south of SR 137 (a Concept Report facility).

Caltrans Guide for the Preparation of Traffic Impact Studies

"The California Department of Transportation (Caltrans) has developed this "Guide for the Preparation of Traffic Impact Studies" in response to a survey of cities and counties in California. The purpose of that survey was to improve the Caltrans local development review process (also known as the Intergovernmental Review/California Environmental Quality Act or IGR/CEQA process). The survey indicated that approximately 30 percent of the respondents were not aware of what Caltrans required in a traffic impact study (TIS)."[241] However, the Project site will only have temporary traffic increases during construction-related activities. "It is anticipated that Project construction would require on average approximately three (3) heavy haul truck vehicle trips per day and approximately 150 construction worker trips per day on average during the eight (8) months of construction, with the peak number of trips occurring during installation of the solar modules. This means a total of approximately 153 construction vehicle trips per day on average."[242]

According to County of Tulare SB 743 Guidelines (June 8, 2020), Section 6, Local Transportation Analysis, an LTA is required for all projects which generate traffic greater than 100 peak-hour trips in the AM or PM peak hours. As indicated in the Guidelines, LTA should be applied for land development projects to provide improvements when traffic generated by a project will affect the local roadway system. These improvements are focused not only on the roadway system, but also on improvements needed to facilitate walking, bicycling and transit in the area of the project site. For this solar project, only 1.4 trips per day are estimated following construction as indicated in the Air Quality section of this IS/MND. Construction-related trips are estimated to be 153 per day for approximately 8 months. These trips are temporary, short-term and intermittent and do not require improvements to the local roadway system. Likewise, the low daily trips (1.4 trips/day) do not require improvements to the local roadway system. Therefore, additional traffic analysis is not required for the proposed Project.

Local Policy and Regulations

Local

Tulare County General Plan 2030 Update

The following Tulare County General Plan 2030 Update policies for this resource apply to this Project: *TC-1.16 County Level Of Service (LOS) Standards* wherein 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; and *HS-1.9 Emergency Access* wherein the County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation.

[241] Caltrans Guide for the Preparation of Traffic Studies. Page ii. Accessed March 2023 at: https://nacto.org/docs/usdg/guide_preparation_traffic_impact_studies_caltrans.pdf.

[242] Project and Operations Description. Page 8. Included in Attachment "E" of this document.

County of Tulare SB 743 Guidelines

This report provides Tulare County's Vehicle Miles Traveled Guidelines (VMT Guidelines or Guidelines) for the implementation of Senate Bill 743 (SB 743) in the unincorporated area of Tulare County. SB 743 was passed by the legislature and signed into law in the fall of 2013. This legislation led to a change in the way that transportation impacts will be measured under the California Environmental Quality Act (CEQA). Starting on July 1, 2020, automobile delay and level of service (LOS) may no longer be used as the performance measure to determine the transportation impacts of land development projects under CEQA and the new performance measure will be vehicle miles traveled (VMT). Although statewide guidance for the implementation of SB 743 has been written by the Governor's Office of Planning and Research (OPR), CEQA allows lead agencies (including Tulare County) the latitude to determine their own methodologies and significance thresholds for CEQA technical studies. The SB 743 Guidelines provided in this report are based on the statewide guidance provided by OPR, but they include clarifications and details tailored for and specific to local conditions in Tulare County SB 743 applies to both land development and transportation projects.

SB 743 applies to both land development and transportation projects. The VMT analysis methodology for land development projects was developed in order to accomplish the following:

- Meet the requirements of CEQA, including the new SB 743 regulations that were adopted into CEQA in December 2018 and go into effect on July 1, 2020.
- Provide for transportation improvements to be built that benefit Tulare County residents and facilitate travel by walking, bicycling, and transit.
- Provide for analysis and mitigation of VMT impacts in a way that is feasible and within the scale of land development projects in Tulare County.

VMT analysis for land development projects is to be conducted by comparing a project's VMT/capita or VMT/employee to the average VMT/capita or VMT/employee for the traffic analysis zone (TAZ) in which the project is located. Projects that have a VMT/capita or VMT/employee equal to or above the average for the TAZ are required to provide mitigation in the form of relatively low-cost improvement projects that would support travel by bicycling or walking or provide justification that improvements at the regional level are sufficient to mitigate their VMT impacts. Certain projects such as small projects and local-serving retail projects would be presumed to have a less than significant impact and would not be required to do a VMT analysis**.** It is important to note that goods movement (e.g., the transport of raw or finished products from one location to another, for example, transfer of milk to an ice cream producing plant and then the transfer of ice cream to a distributor or directly to a retailer) is not subject to SB 743 and only passenger trips need to be considered in a VMT analysis.

Transportation projects that are focused on improvements to travel by bicycling, walking, and transit would be presumed to have a less than significant impact (as these modes of travel eliminate or reduce miles travelled by a vehicle) and would not be required to do a VMT analysis. Certain small roadway projects and all roadway projects that are consistent with the General Plan would be presumed to have a less than significant impact (as these projects have been anticipated to accommodate projected growth and/or are planned improvements to the roadway system for safety, to meet current roadway standards, or to improve roads that are functionally obsolete). Larger roadway projects that are inconsistent with the General Plan would need to conduct a VMT analysis and would need to consider providing mitigation if the project is forecasted to cause an increase in VMT.

Project Impact Analysis:

a) No Impact: As noted earlier, and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include solar modules with associated equipment and inverter stations, substation to support interconnection to SCE infrastructure, an energy storage component, access roads, and lighting and fencing around the perimeter of each proposed development area (approximately 160 of the 313 total acreage of the Project location site). The construction of the Project would take approximately eight (8) months to complete. Initial site grading would take two (2) to three (3) weeks. The remainder of the construction period would consist of on-site assembly and installation of PV panels, which would not require heavy machinery. Construction would commence upon acquisition of all necessary permits, approvals, power sale, and financing. The Project would be constructed into (27) varying size blocks, with (15) blocks in the northern proposed development area and (12) in the southern development area. Construction of the (12) blocks in the southern development area would be initiated first. There may be a few months of delay in starting construction of the south section, due to delays in SCE work. Separate staging areas in the northern portion of each

development area would be used for material staging and storage, portable construction maintenance trailer, and construction parking.[243] Level of Service (LOS) standards vary throughout the County and its eight incorporated cities. As noted earlier in Tulare County General Plan PolicyTC-1.16, the minimum LOS standard within the County shall be no lower than LOS D. Project operations and maintenance are anticipated to require up to 500 vehicle trips per year. This estimate includes up to twelve (12) trips per day during the 20 total days of panel washing activities per year and approximately five (5) trips per week to address security or maintenance issues; an estimated average of 1.4 trip per day over a typical year. Except for annual (or biannual) panel washing activities, emergency repair events, weed abatement activities, and occasional security checks, the facility would not require any full-time employees located on or traveling to the site.[244] PV panel washing would occur approximately one to two times a year depending on the amount of rainfall in a given year using imported water. Water trucks would be brought on-site twice a year for duration of approximately 10 days (20 days/year total).[245] It is anticipated that Project construction would require on average approximately three (3) heavy haul truck vehicle trips per day and approximately 150 construction worker trips per day on average during the eight (8) months of construction, with the peak number of trips occurring during installation of the solar modules. This means a total of approximately 153 construction vehicle trips per day on average. Construction-related traffic and an estimated average of 1.4 trips per day[246] associated with the Project operation and maintenance will not impact the local roadways. As such, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Therefore, the Project would result in no impact.

b) **No Impact**: Except for the access road on Road 164, the Project does not require construction of any roadways, and will generate approximately 1.4 trips per day on average for operation and maintenance. The Project would not exceed the County's threshold for Vehicle Miles Traveled (VMT) and goods movement trips are exempt from VMT counts as identified in the County of Tulare SB 743 Guidelines. As noted in Item a), an estimated average of 153 construction vehicle trips per day would be required for the import of construction workers, PV module materials, substation equipment, distribution line and associated support poles, potential power storage (BESS) facilities, and the surfacing material for access roads. The construction of the Project would take approximately eight months to complete, as such, these vehicle trips are temporary, short-term, and intermittent. Also as noted in Item a), Project operations and maintenance are anticipated to require up to 500 vehicle trips per year. This estimate includes up to twelve (12) trips per day during the 20 total days of panel washing activities per year and approximately five (5) trips per week to address security or maintenance issues; an estimated average of 1.4 trip per day over a typical year. Therefore, the Project would result in no impact to this resource.

c) **Less Than Significant Impact:** No roadway design features are associated with this Project and the change in the existing land use will not result in an incompatible use. As noted earlier, in addition to the installation of photovoltaic (PV) solar modules, both the north and south proposed development areas of the Project would include the construction of wiring and inverters, fence, access roads, and a new distribution interconnect power line (on existing poles) to the Southern California Edison (SCE) Bliss Substation. Therefore, the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, (e.g., farm equipment). As such, the Project would result in a no impact to this resource.

d) **Less Than Significant Impact:** No roads will be modified as a result of this Project, construction-related traffic that could impede emergency response will be short-term, temporary, and intermittent and would comply with laws requiring yielding right-of-way to emergency response vehicles. Daily operations and maintenance traffic will be limited to an estimated average of 1.4 trips per day. As such, it can be reasonably concluded that the Project would not result in inadequate emergency access. Therefore, there will be no impact to this resource.

Cumulative Impact Analysis: **Less Than Significant Impact With Mitigation:** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, Tulare County 2030 General Plan EIR, and County of Tulare SB 743 Guidelines.

[243] Op Cit. 6-7.

[245] Op. Cit. 8.

[246] OP Cit. 10.

The Project will only contribute to cumulative impacts related to this Checklist Item if Project specific impacts were to occur. As noted earlier, an estimated average of 150 construction-related vehicle trips per day, and approximately 1.4 trips per day on average for operation and maintenance; as such the Project's vehicle trips will not exceed the County's VMT thresholds. Further, all roadway segments will operate at acceptable LOS D or better during construction and operations/maintenance related activities of the Project. The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) as its VMT is below adopted Tulare County VMT Guideline thresholds and goods movement trips are exempt from VMT counts. Further, the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), nor would it result in an incompatible use that would impede emergency response. As such, the Project would result in no cumulative impact.

Mitigation Measure(s): None Required.

XVIII. TRIBAL CULTURAL RESOURCES

Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
a) 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)?	☐	☒	☐	☐
b) 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?	☐	☒	☐	☐

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Transportation Resource, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

"Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory."[247]

Information provided by the Southern San Valley Historical Resources Information Center, at California State University, Bakersfield (Center) and the California Native American Heritage Commission Sacred Lands File search (included in Attachment "C" of this document) were used as the basis for determining that this Project would result in a less than significant impact with mitigation.

As noted previously, and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Cultural Background

"Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory."[248]

[247] Tulare County General Plan 2030 Update. August 2012. Page 8-5.

[248] Tulare County 2030 General Plan. Page 8-5.

"California's coast was initially explored by Spanish (and a few Russian) military expeditions during the late 1500s. However, European settlement did not occur until the arrival into southern California of land-based expeditions originating from Spanish Mexico starting in the 1760s. Early settlement in the Tulare County area focused on ranching. In 1872, the Southern Pacific Railroad entered Tulare County, connecting the San Joaquin Valley with markets in the north and east. About the same time, valley settlers constructed a series of water conveyance systems (canals, dams, and ditches) across the valley. With ample water supplies and the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region."[249]

"The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford. Visalia, the County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The California Department of Finance estimated the 2007 Tulare County population to be 430,167."[250]

Tulare County's Documented Cultural Resources

Tulare County's known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources. These resources are available to the general public. They have been summarized in the Tulare County General Plan Update 2030 Background Report (2010).[251]

Records Search Results

The California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Historical Resources Information Center (SSJVIC) located at California State University, Bakersfield (Center) conducted a search for the Project location as requested by Tulare County RMA. In summary, the Center's search response letter indicated, "there has been no previous cultural resource studies completed within the project area. There has been one cultural resource study conducted within the one-half mile radius: TU-01764."[252] The CHRIS results letter further noted, "there are no recorded resource within the project area, and it is not known if any exit there. There are two recorded resources within the one-half mile radius, P-54-004622 and P-54-004832. These resources are an historic era canal and an historic era transmission line, respectively. Resource P-54-004832, the Big Creek East and West Transmission line, is contributing element of the Big Creek Hydroelectric System Historic District. The Big Creek Hydroelectric System Historic District has been given a National Register status code of 1S, indicating this property has been listed in the National Register of Historic Places by the Keeper. It is also listed in the California Register of Historical Resources. There are no other recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, for the California State Historic Landmarks."[253] The Center also recommended that the NAHC be contacted regarding cultural resources that may not be included in the CHRIS inventory (see Attachment "C"). Tulare County RMA also requested a Sacred Lands File (SLF) search from the California Native American Heritage Commission (NAHC). The NAHC provided a letter dated March 20, 2023, showing "negative" results which indicates there are no documented Sacred Lands within the Project area (see NAHC response letter dated March 20, 2023; also in Attachment "C").

Native American Consultation

The Native American Heritage Commission (NAHC) maintains a contact list of Native American Tribes as having traditional lands located within the County's jurisdiction. A search of the Sacred Lands Inventory on file with the Native American Heritage Commission (NAHC) was also requested and resulted in negative results (i.e., no sacred lands were identified in the Project site) in a letter received from the NAHC on March 20, 2023 (see Attachment "C"). Pursuant to AB 52 Tulare County

[249] Ibid.

[250] Op. Cit. 8-6.

[251] Tulare County General Plan Background Report. Pages 9-57 to 9-59.

[252] California Historical Resources Information System (CHRIS). Southern San Joaquin Valley Information Center. California State University, Bakersfield. Record Search 23-089. Tulare 40 Generation Facility (PSP 23-012). See Attachment "C" of this MND.

[253] Ibid.

RMA staff contacted eight (8) Native American Tribes (see Attachment "C") by certified mail on March 2, 2023 regarding the Tulare 40 Generation Facility Project (PSP 23-012) MND. The County did not receive any response from any of the Tribes.

Regulatory Setting

Federal

The National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, which has been amended several times, was passed to acknowledge the importance of protecting our nation's heritage from federal development. The NHPA sets federal historic preservation policy, establishes partnerships between the Federal government and states and the Federal government and tribes, creates the **National Register of Historic Places** and **National Historic Landmarks** programs, mandates the selection of qualified **State Historic Preservation Officers**, establishes the **Advisory Council on Historic Preservation**, charges Federal agencies with stewardship, and establishes the role of **Certified Local Governments** within the states.

Title I of the statute established the National Register of Historic Places to create a national listing of historic properties (districts, sites, buildings, structures, and objects) significant in American history, architecture, archeology, engineering, and culture. Title I also expanded the level of Federal concern to include the preservation of historic properties of local or State significance. It established State Historic Preservation Officers as partners in the national historic preservation program and also describes how local governments or Indian tribes may, in certain circumstances, carry out SHPO functions.

Implementation of Section 106 of Title I has been critical to archeology and archeological preservation in the United States. Section 106 requires federal agencies to take into account the effects of their actions on historic properties by identifying historic properties, assessing adverse effects, and resolving those adverse effects. The process is initiated by the federal agency, and includes comment and input from stakeholders at the local and State levels, as well as the Advisory Council on Historic Preservation. After the procedures for implementing Section 106 were established (6 CFR 800), the field of professional archeology expanded throughout governments and the private sector to meet the need for compliance.

Section 110 requires all federal agencies to establish -- in conjunction with the Secretary of the Interior -- their own historic preservation programs for the identification, evaluation, and protection of historic properties, including archeological properties. Determinations of Eligibility for the National Register are established during Phase II archeological surveys.

Title II

Title II of NHPA establishes the Advisory Council on Historic Preservation, an independent Federal agency. The Council and its staff advise Federal agencies on their roles in the national historic preservation program, especially Section 106. The ACHP also develops advice and training to support Federal agencies.

Title IV

Title IV of the statute established the National Center for Preservation Technology and Training, part of the National Park Service. NCPTT contributes research and training to archeological preservation practice.

Statute and regulation texts:

- **National Historic Preservation Act** (16 U.S. Code 470 et seq.), statute text.
- **National Register of Historic Places** (36 CFR 60), regulation text.
- **Procedures for State, Tribal, and Local Government Historic Preservation Programs** (36 CFR 61), regulation text.
- **Determinations of Eligibility for Inclusion in the National Register of Historic Places** (36 CFR 63), regulation text.
- **Protection of Historic Properties** (36 CFR 800), regulation text.[254]

State

[254] U.S. Department of the Interior. National Park Service. Accessed March 2023 at: National Historic Preservation Act of 1966 - Archeology (U.S. National Park Service) (nps.gov)

California State Office of Historic Preservation (OHP)

"The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), a gubernatorial appointee, and the State Historical Resources Commission"[255]

"OHP's responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Ensuring compliance with federal and state regulatory obligations;
- Encouraging the adoption of economic incentives programs designed to benefit property owners;
- Encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California."[256]

"**Architectural Review and Incentives**

OHP administers the **Federal Historic Preservation Tax Incentives Program** and provides architectural review and technical assistance to other government agencies and the general public in the following areas:

- Interpretation and application of the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties;
- General assistance with and interpretation of the California Historical Building Code and provisions for qualified historic properties under the Americans with Disabilities Act;
- Developing and implementing design guidelines;
- Preservation incentives available for historic properties;
- Sustainability and adaptive reuse of historic properties."[257]

"**Information Management**

The California Historical Resources Information System (CHRIS) includes the statewide Historical Resources Inventory (HRI) database maintained by OHP and the records maintained and managed, under contract, by twelve independent regional Information Centers (ICs). The ICs provide archeological and historical resources information, on a fee-for-service basis, to local governments and individuals with responsibilities under the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and California Environmental Quality Act (CEQA), as well as to the general public. ICs collect and maintain information on historical and archaeological resources which was not reviewed under a program administered by OHP."[258]

Criteria for Designation

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).[259]

A historical resource may be eligible for inclusion in the California Register of Historical Resources (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 to our past;

[255] Office of Historic Preservation. Mission and Responsibilities. Accessed March 2023 at: http://ohp.parks.ca.gov/?page_id=1066.
[256] Ibid.
[257] Op. Cit.
[258] Op. Cit. Criteria for Designation. Accessed March 2023 at: https://ohp.parks.ca.gov/?page_id=21238
[259] Op. Cit.

- 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; or
- Has yielded, or may be likely to yield, information important in prehistory or history."[260]

Native American Heritage Commission

"The Native American Heritage Commission (NAHC), created in statute in 1976, is a nine-member body, appointed by the Governor, to identify and catalog cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties."[261]

Tribal Consultation Requirements: AB 52 (Gatto, 2014)

"The Public Resources Code has established that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2.).

To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a Project. That consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. (Pub. Resources Code, § 21080.3.1.)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Pub. Res. Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources."[262]

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.[263][264]

(1) When a Project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).
(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the Project location contains unique archaeological resources.
(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the Project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

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[260] Office of Historic Preservation. Mission and Responsibilities. Accessed March 2023 at: http://ohp.parks.ca.gov/?page_id=1066

[261] Native American Heritage Commission. Welcome. Accessed March 2023 at: http://nahc.ca.gov/.

Office of Planning and Research. Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA (June 2017). Page 3. Accessed March 2023 at: https://www.opr.ca.gov/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf

[263] Office of Historic Preservation. CEQA Basics. Accessed March 2023 at: https://ohp.parks.ca.gov/?page_id=21721.

[264] CEQA Guidelines, Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources. Accessed March 2023 at: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-5-preliminary-review-of-projects-and-conduct-of-initial-study/section-150645-determining-the-significance-of-impacts-to-archaeological-and-historical-resources

CEQA Guidelines: Human Remains

Public Resources Code Sections 5097.94 and 5097.98 provide guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the Native American Heritage Commission:[265]

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the Project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any Items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:
(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
(B) If the coroner determines the remains to be Native American:
4. The coroner shall contact the Native American Heritage Commission within 24 hours.
5. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
6. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
(C) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
(D) The descendant identified fails to make a recommendation; or
(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

Local

Tulare County General Plan 2030 Update

The General Plan has a number of policies that apply to Projects within Tulare County. General Plan policies that relate to the Project are listed as follows: *ERM-6.1 Evaluation of Cultural and Archaeological Resources* wherein the County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards; *ERM-6.2 Protection of Resources with Potential State or Federal Designations* wherein 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; *ERM-6.3 Alteration of Sites with Identified Cultural Resources* which states that when planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been

[265] Op. Cit.

conducted pursuant to CEQA to define the extent and value of resource, and Mitigation Measures proposed for any impacts the development may have on the resource; *ERM-6.4 Mitigation* which states that 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; *ERM-6.9 Confidentiality of Archaeological Sites* wherein 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 of artifacts; and *ERM-6.10 Grading Cultural Resources Sites* wherein the County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq.

The intensive agricultural use of the Project site have continually been disturbed to the point that there are no evident surface Tribal cultural resources. However, as discussed below, mitigation measures are included in the unlikely event that Tribal cultural resources are encountered.

Project Impact Analysis:

a)and b) Less Than Significant Impact With Mitigation: As noted previously, and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent of the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area to the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. Also as noted previously, information provided by the Southern San Valley Historical Resources Information Center, at California State University, Bakersfield (Center, March 20, 2023, and included in Attachment "C" of this document) and the California Native American Heritage Commission Sacred Lands File search (March 20, 2023, and included in Attachment "C" of this document) were used as the basis for determining that this Project would result in a less than significant impact with mitigation. s noted earlier, the California Historical Resources Information Center (CHRIS), Southern San Joaquin Valley Historical Resources Information Center (SSJVIC) located at California State University, Bakersfield (Center) conducted a search for the Project location as requested by Tulare County RMA. In summary, the Center's search response letter indicated, "According to the information in our files, there has been no previous cultural resource studies completed within the project area. There has been one cultural resource study conducted within the one-half mile radius: TU-01764."[266] The CHRIS results letter further noted, "According to the information in our files, there are no recorded resource within the project area, and it is not known if any exit there. There are two recorded resources within the one-half mile radius, P-54-004622 and P-54-004832. These resources are an historic era canal and an historic era transmission line, respectively. Resource P-54-004832, the Big Creek East and West Transmission line, is contributing element of the Big Creek Hydroelectric System Historic District. The Big Creek Hydroelectric System Historic District has been given a National Register status code of 1S, indicating this property has been listed in the National Register of Historic Places by the Keeper. It is also listed in the California Register of Historical Resources."[267] "There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, for the California State Historic Landmarks."[268] Although only one cultural resource was identified within the Project area in the records search, there is a possibility that subsurface resources could be uncovered during Project construction-related activities. In such an unlikely event, potentially significant impacts to previously unknown subsurface resources may occur. The Center also recommended that the NAHC be contacted regarding cultural resources that may not be included in the CHRIS inventory (see Attachment "C"). Also, to date, RMA one response has/have been received from the tribes that were notified in compliance with AB 52 requirements through a list of potentially affected tribes provided by the NAHC. As such, it is not anticipated that Native American tribal cultural resources or remains will be found within the Project area. However, **Mitigation Measures 5-1** through **5-3** are included in the unlikely event that Native American remains or tribal cultural resources are unearthed during any ground disturbance activities. **Mitigation Measures 5-1** through **5-3** would be implemented to reduce the potential level of impact to this resource as less than significant for resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined

[266] California Historical Resources Information System (CHRIS). Southern San Joaquin Valley Information Center. California State University, Bakersfield. Record Search 23-089. Tulare 40 Generation Facility (PSP 23-012). See Attachment "C" of this MND
[267] Ibid.
[268] Op. Cit.

in Public Resources Code Section 5020.1(k); or to a resource consider significant to a California Native American tribe. Therefore, the Project would result in a less than significant impact to this resource.

Cumulative Impact Analysis: **Less Than Significant Impact With Mitigation:**

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR. The Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. With implementation of Mitigation Measure 5-1 through 5-3, potential Project-specific impacts would be reduced to less than significant levels. Therefore, the Project's cumulative impacts would be less than significant with mitigation. Also see the Mitigation Monitoring and Reporting Program (MMRP) in Attachment "D".

As previously discussed, based on the analysis noted earlier, impacts to Tribal Cultural Resources will be reduced to a level of ***Less Than Significant Project-specific and Cumulative Impacts With Mitigation*** with the implementation of Mitigation Measures 5-1 through 5-3.

Mitigation Measures: See **Mitigation Measures 5-1** through **5-3** (which can be found in their entirety in Attachment "D" of this IS/MND)

Summary of Mitigation Measures:

5-1. Discovery.

5-2. Cessation of Work/Preservation/Treatment Plan/PRC § 21074.

5-3. Implementation of Health and Safety Code § 7050.5, CEQA Guidelines § 15064.5, PRC § 5097.98.

Therefore, implementation of Mitigation Measure 5-1 through 5-3 would result in a less than significant impact to tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:		Significant Impact	Less Than Significant Impact With Mitigation	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 reduction goals?	☐	☐	☐	☒
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Analysis:

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Utility/Service Systems Resources, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

"Tulare County and special districts provide many important services to County residents and businesses in unincorporated communities and hamlets such as water, wastewater, storm drainage, solid waste removal, utilities, communications, fire protection, law enforcement, and a number of other community facilities and services (schools, community centers, etc.)."[269]

"Water districts supply water to communities and hamlets throughout the County. Most communities and some hamlets have wastewater treatment systems; however, several communities including Three Rivers, Plainview, Alpaugh, and Ducor rely on individual septic systems. Storm drainage facilities are generally constructed and maintained in conjunction with transportation improvements or new subdivisions in communities. Solid waste collection in the County is divided into service areas, as determined by the Board of Supervisors, with one license for each area. Southern California Edison provides electric service to the south and central areas of Tulare County while PG&E provides electric service in the north. The [Southern California] Gas Company is the primary provider of natural gas throughout the County."[270]

As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly

[269] Tulare County General Plan Update 2030. Page 14-3.

[270] Ibid. 14-3.

adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Regulatory Setting

Federal

U.S. Environmental Protection Agency (U.S. EPA) - Federal Regulation Tile 40, Part 503

In 1993, the U.S. Environmental Protection Agency (U.S. EPA) promulgated Standards for the Use or Disposal of Sewage Sludge (Code of Federal Regulations Title 40, Part 503), which establish pollutant limitations, operational standards for pathogen and vector attraction reduction, management practices, and other provisions intended to protect public health and the environment from any reasonably anticipated adverse conditions from potential waste constituents and pathogenic organisms.

This part establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Standards are included in this part for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included in this part are pathogen and alternative vector attraction reduction requirements for sewage sludge applied to the land or placed on a surface disposal site.

In addition, the standards in this part include the frequency of monitoring and recordkeeping requirements when sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included in this part are reporting requirements for Class I sludge management facilities, publicly owned treatment works (POTWs) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more.[271]

Resource Conservation and Recovery Act (RCRA)[272]

Congress passed RCRA on October 21, 1976 to address the increasing problems the nation faced from our growing volume of municipal and industrial waste. RCRA, which amended the Solid Waste Disposal Act of 1965, set national goals for:

a) Protecting human health and the environment from the potential hazards of waste disposal.
b) Conserving energy and natural resources.
c) Reducing the amount of waste generated.
d) Ensuring that wastes are managed in an environmentally-sound manner
e) To achieve these goals, RCRA established three distinct, yet interrelated, programs:
f) The solid waste program, under RCRA Subtitle D, encourages states to develop comprehensive plans to manage nonhazardous industrial solid waste and municipal solid waste, sets criteria for municipal solid waste landfills and other solid waste disposal facilities, and prohibits the open dumping of solid waste.
g) The hazardous waste program, under RCRA Subtitle C, establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal — in effect, from "cradle to grave."
h) The underground storage tank (UST) program, under RCRA Subtitle I, regulates underground storage tanks containing hazardous substances and petroleum products. RCRA banned all open dumping of waste, encouraged source reduction and recycling, and promoted the safe disposal of municipal waste. RCRA also mandated strict controls over the treatment, storage, and disposal of hazardous waste.

State

The Integrated Waste Management Act (Assembly Bill 939)

In 1989 the California legislature passed the Integrated Waste Management Act of 1989, known as AB 939. The bill mandates a reduction of waste being disposed: jurisdictions were required to meet diversion goals of 25% by 1995 and 50% by the year 2000. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

[271] National Archives and Records Administration. Code of Federal Regulations. Title 40: Protection of Environment Part 503: Standards for the Use of Disposal of Sewage Sludge. Accessed March 2023 at: https://www.ecfr.gov/current/title-40/chapter-I/subchapter-O/part-503?toc=1.

[272] United States Environmental Protection Agency. Summary of the Resource Conservation and Recovery Act. Accessed March 2023 at: https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act ; then click on "EPA History: RCRA".

State Water Quality Control Board

"The State Water Resources Control Board (State Water Board) was created by the Legislature in 1967. The joint authority of water allocation and water quality protection enables the State Water Board to provide comprehensive protection for California's waters. The State Water Board consists of five full-time salaried members, each filling a different specialty position. Board members are appointed to four-year terms by the Governor and confirmed by the Senate. There are nine Regional Water Quality Control Boards (Regional Boards). The mission of the Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the State's waters, recognizing local differences in climate, topography, geology and hydrology. Each Regional Board has seven part-time members appointed by the Governor and confirmed by the Senate. Regional Boards develop "basin plans" for their hydrologic areas, issue waste discharge requirements, take enforcement action against violators, and monitor water quality. The task of protecting and enforcing the many uses of water, including the needs of industry, agriculture, municipal districts, and the environment is an ongoing challenge for the State and Regional Water Quality Control Boards."[273]

Regional Water Quality Control Board (RWQCB)

"There are nine Regional Water Quality Control Boards (Regional Boards). The mission of the Regional Boards is to develop and enforce water quality objectives and implementation plans that will best protect the State's waters, recognizing local differences in climate, topography, geology and hydrology. Each Regional Board has seven part-time members appointed by the Governor and confirmed by the Senate. Regional Boards develop "basin plans" for their hydrologic areas, issue waste discharge requirements, take enforcement action against violators, and monitor water quality."[274]

The Regional Water Quality Control Board – Biosolids

In California, the beneficial reuse of treated municipal sewage sludge *(a.k.a.,* biosolids*)* generally must comply with the California Water Code in addition to meeting the requirements specified in Part 503 in Title 40 of the Code of Federal Regulations.

In July 2004, the State Water Resources Control Board adopted Water Quality Order No. 2004-12-DWQ (General Order), and certified a supporting statewide Programmatic Environmental Impact Report (PEIR)

The General Order incorporates the minimum standards established by the Part 503 Rule and expands upon them to fulfill obligations to the California Water Code. However, since California does not have delegated authority to implement the Part 503 Rule, the General Order does not replace the Part 503 Rule. The General Order also does not preempt or supersede the authority of local agencies to prohibit, restrict, or control the use of biosolids subject to their jurisdiction, as allowed by law.

Persons interested in seeking coverage under the General Order should contact the appropriate Regional Water Quality Control Board. Only applicants who submit a complete *Notice of Intent* (NOI), appropriate application fee, and are issued a Notice of Applicability by the executive officer of the appropriate Regional Water Quality Control Board are authorized to land apply biosolids at an agricultural, horticultural, silvicultural, or land reclamation site as a soil amendment under the General Order.

State Water Resources Control Board, Divisions of Drinking Water and Clean Water

Recycled water regulations are administered by both Central RWQCB and the California State Water Resources Control Board (SWRCB). The regulations governing recycled water are found in a combination of sources, including the Health and Safety Code, Water Code, and Titles 22 and 17 of the California Code of Regulations (CCR). Issues related to the treatment and distribution of recycled water are generally under the permitting authority of RWQCB and the Clean Water Division of the SWRCB.

State Water Resources Control Board Water Onsite Wastewater Treatment Systems (OWTS) Policy

"The purpose of this Policy is to allow the continued use of OWTS, while protecting water quality and public health. This Policy recognizes that responsible local agencies can provide the most effective means to manage OWTS on a routine basis.

[273] California State Water Boards Mission Statement. Accessed March 2023 at: http://www.waterboards.ca.gov/about_us/water_boards_structure/mission.html.

[274] Ibid.

Therefore, as an important element, it is the intent of this policy to efficiently utilize and improve upon where necessary existing local programs through coordination between the State and local agencies. To accomplish this purpose, this Policy establishes a statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. In particular, the Policy requires actions for water bodies specifically identified as part this Policy where OWTS contribute to water quality degradation that adversely affect beneficial uses."[275]

State NPDES General Construction Permit

The State NPDES General Construction Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site both during and after construction. The SWPPP has two major objectives: (1) to help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and (2) to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

CalRecycle

CalRecycle (formerly the California Integrated Waste Management Board) governs solid waste regulations on the state level, delegating local permitting, enforcement, and inspection responsibilities to Local Enforcement Agencies (LEA). Regulations authored by CalRecycle (Title 14) were integrated with related regulations adopted by the State Water Resources Control Board (SWRCB) pertaining to landfills (Title 23, Chapter 15) to form CCR Title 27.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies, in addition to authorizing video franchises. In 1911, the CPUC was established by Constitutional Amendment as the Railroad Commission. In 1912, the Legislature passed the Public Utilities Act, expanding the Commission's regulatory authority to include natural gas, electric, telephone, and water companies as well as railroads and marine transportation companies. In 1946, the Commission was renamed the California Public Utilities Commission. It is tasked with ensuring safe, reliable utility service is available to consumers, setting retail energy rates, and protecting against fraud.

Local

Tulare County General Plan 2030 Update

As the Project will not utilize any new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunications facilities, the applicable Tulare County General Plan 2030 Update policies for this resource are limited to the following for this resource item: *PFS-2.3 Well Testing* wherein the County shall require new development that includes the use of water wells to be accompanied by evidence that the site can produce the required volume of water without impacting the ability of existing wells to meet their needs; *PFS-5.4 County Usage of Recycled Materials and Products* wherein the County shall encourage all industries and government agencies in the County to use recycled materials and products where economically feasible*; PFS-5.5 Private Use of Recycled Products* wherein the County shall work with recycling contractors to encourage businesses to use recycled products and encourage consumers to purchase recycled products; *PFS-5.6 Ensure Capacity* wherein the County shall require evidence that there is adequate capacity within the solid waste system for the processing, recycling, transmission, and disposal of solid waste prior to approving new development; *PFS-5.7 Provisions for Solid Waste Storage, Handling, and Collection* wherein the County shall ensure all new development adequately provides for solid waste storage, screening, handling, and collection prior to issuing building permits; *PFS-5.8 Hazardous Waste Disposal Capabilities* wherein the County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan*; PFS-9.1 Expansion of Gas and Electricity Facilities* wherein the County shall coordinate with gas and electricity service providers to plan the expansion of gas and electrical facilities to meet the future needs of County residents;*PFS-9.2 Appropriate Siting of Natural Gas and Electric Systems* wherein the County shall coordinate with natural gas and electricity service providers to locate and design gas and electric systems that minimize impacts to existing and future residents; *PFS-9.4 Power Transmission Lines* wherein the County shall work with the Public

[275] California State Water Resources Control Board. OWTS Policy. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19, 2012. Accessed March 2023 at: https://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf.

Utilities Commission and power utilities in the siting of transmission lines to avoid interfering with scenic views, historic resources, and areas designated for future urban development; and *PFS-9.3 Transmission Corridors* wherein the County shall work with the Public Utilities Commission and power utilities so that transmission corridors meet the following minimum requirements:

1. Transmission corridors shall be located to avoid health impacts on residential lands and sensitive receptors, and
2. Transmission corridors shall not impact the economic use of adjacent properties.

Tulare County General Plan 2030 Update

Project Impact Analysis:

a) - c) No Impact: As previously noted, and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, the west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. The Project does not require or would 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. Further, the Project would not 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. The Project would use less water than the amount of water used to irrigate the current agricultural use; as such, the Project would have sufficient water supplies available to serve the project during normal, dry and multiple dry years as water would be imported for washing the solar panels approximately twice per year; and the usage of water to minimize dust during construction-related activities would be short-term, intermittent, and temporary. Other than the renewable energy project, there is no anticipated foreseeable future development other than the reclamation of the Project site as agricultural land following termination of the 35-year project life. As such, there will be no impact to these resources.

d) Less Than Significant Impact: The Project is not anticipated to generate large volumes of solid waste during construction, operation, or decommissioning related activities. "The Project would not generate, use, or dispose of any hazardous waste during construction activities. Petroleum products would be used on-site. Petroleum products are excluded as hazardous substances. Diesel, oil, and lubricants would be transported to the site in portable containers (e.g., tanks in the pickup trucks for diesel fuel) but would not be stored on-site. If regulated materials (petroleum products) are spilled, measures would be taken to control the extent of the spill, and the appropriate agencies would be notified in accordance with the applicable federal and state regulations. Trucks and construction vehicles would be serviced from off-site facilities. The use, storage, transport, and disposal of hazardous materials used in construction of the facility would be carried out in accordance with federal, state, and County regulations. No extremely hazardous substances (i.e., those governed pursuant to Title 40, Part 335 of the Code of Federal Regulations) are anticipated to be produced, used, stored, transported, or disposed of as a result of Project construction. Material Safety Data Sheets for all applicable materials present on-site would be made readily available to onsite personnel.

Construction waste would be sorted on-site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from non-recyclable items and stored until they could be transported to a designated recycling facility. It is anticipated that at least 20 percent of construction waste would be recyclable, and 50 percent of those materials would be recycled. Wooden construction waste (such as wood from wood pallets) would be sold, recycled, or chipped and composted.

Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at the municipal County landfill. Hazardous waste and electrical waste would not be placed in a landfill, but rather would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling facility). All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste. Signs for emergency contacts and hazard warning signs will be posted at the entrance to the facility, as necessary"[276]

[276] Project and Operations Description. Page 9. Included in Attachment "E" of this document.

California's Green Building Standards Code (CALGreen; Title 24 Cal. Code Regs., Part 11) requires that nonresidential building projects recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, or meet a local construction and demolition waste management ordinance, whichever is more stringent (§ 5.408.1). The Tulare County Construction and Demolition (C&D) Ordinance, will require the Applicant to divert 100 percent of inert waste and 50 percent of all other waste, prepare and implement a C&D Debris Recycling and Reuse Plan, and develop a C&D Debris Recycling and Reuse Compliance report to be submitted after Project completion. In order to obtain a building permit, the Applicant will be required to comply with the Tulare County C&D Ordinance. By diverting 100 percent of inert waste and 50 percent of all other waste, the Applicant will not generate waste in excess of state or local standards.

Any waste that cannot be recycled will likely be transported to the Tulare County Solid Waste Department operated Woodville Landfill located south of the Project site (or alternatively, to Visalia Disposal Site). The Project is not anticipated to generate a significant amount of solid waste and Woodville Landfill is anticipated to have sufficient space to accommodate the Project needs through construction related activities. Woodville Landfill is currently permitted to accept approximately 900 tons per day (tpd), although the site is permitted for 1,078 tpd. The increase in acreage will also result in an increase to the permitted landfill capacity by approximately 14.0 million cubic yards for an overall capacity of the Woodville Landfill to approximately 27.5 million cubic yards. The additional Waste Management Units (WMUs) will be designated Class III landfill units and will extend the anticipated landfill closure date by 55 years (to approximately Year 2074).

Based on these considerations, the Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. See also Section 3.15 Public Services. As such, the Project would not 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 and it will comply with federal, state, and local management and reduction statutes and regulations related to solid waste as applicable.

e) **No Impact**: Waste generated during Project construction, operation, or decommissioning related activities will be recycled or disposed of in a manner that is consistent with all applicable federal, state, and local recycling reduction and waste mandates, requirements, and policies. Therefore, the Project will not result in any impacts related to conflicts with statutes and regulations regarding solid waste.

Cumulative Impact Analysis: **Not-to-Less Than Significant Impact:** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update EIR. As previously noted, and as summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years. The Project will only contribute to cumulative impacts related to this Checklist Item if Project specific impacts were to occur. As noted above, the Project is not anticipated to generate large volumes of solid waste during construction, operation, or decommissioning related activities. The Project does not require or would 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 Project would not 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; the Project would use less water than the amount of water used to irrigate the current agricultural use; as such, the Project would have sufficient water supplies available to serve the project during normal, dry and multiple dry years; and the usage of water to minimize dust during construction-related activities would be short-term, intermittent, and temporary. The Project Applicant will be required to comply with the Tulare County C&D Ordinance and state regulations (e.g., mandates), as applicable. Furthermore, a collection and recycling program will be implemented to promote the recycling of Project components and minimize disposal of Project components in landfills. The Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. The Project is required to comply with statutes and regulations regarding solid waste. Therefore, No Cumulative Impact will occur related to utilities and services systems.

XX. WILDFIRES

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant Impact	Less Than Significant Impact With Mitigation	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 uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding, or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Utility/Service Systems Resources, etc.; contained in the Tulare County General Plan 2030 Update, Tulare County General Plan Background Report, and Tulare County General Plan 2030 Update Environmental Impact Report are incorporated herein in their entirety. Where necessary and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 20, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

"A wildfire is an uncontrolled fire spreading through vegetative fuels. Wildfires can be caused by human activities (such as arson or campfires) or by natural events (such as lightning). Wildfires often occur in forests or other areas with ample vegetation. Wildfires differ from other fires due to their large size, the speed at which the fires can spread, and the ability of the fire to change direction unexpectedly and to jump gaps, such as roads, rivers, and fire breaks. In areas where structures and other human development meet or intermingle with wildland or vegetative fuels (referred to as the wildland urban interface or WUI), wildfires can cause significant property damage and present extreme threats to public health and safety. The following three factors contribute significantly to wildfire behavior and can be used to identify wildfire hazard areas.

Topography: As slope increases, the rate of wildfire spread increases. South-facing slopes are also subject to more solar radiation, making them drier and thereby intensifying wildfire behavior. However, ridgetops may mark the end of wildfire spread because fire spreads more slowly or may even be unable to spread downhill.

Fuel: The type and condition of vegetation plays a significant role in the occurrence and spread of wildfires. Certain types of plants are more susceptible to burning or will burn with greater intensity, and non-native plants may be more susceptible to burning than native species. Dense or overgrown vegetation increases the amount of fuel load. The ratio of living to dead plant matter is also important. The risk of fire increases significantly during periods of prolonged drought, as the moisture content of both living and dead plant matter decreases; or when a disease or infestation has caused widespread damage. The fuel's continuity, both horizontally and vertically, is also an important factor.

Weather: The most variable factor affecting the behavior of wildfires is weather. Temperature, humidity, wind, and lightning can affect chances for ignition and spread of fire. Extreme weather, such as high temperatures and low humidity, can lead to extreme wildfire activity. By contrast, cooling and higher humidity often signal reduced wildfire occurrence and easier containment. Years of precipitation followed by warmer years tend to encourage more widespread fires and longer burn periods. Also, since the mid-1980s, earlier snowmelt and associated warming due to global climate change has been associated with longer and more severe wildfire seasons in the western U.S.

Wildfires can have serious effects on the local environment, beyond the removal of vegetation. Soil exposed to intense heat may lose its capability to absorb moisture and support life. Exposed soils erode quickly and enhance siltation of rivers and streams, thereby enhancing flood potential, harming aquatic life, and degrading water quality. Lands stripped of vegetation are also subject to increased debris flow hazards, as described above. Wildfires can also greatly affect the air quality of the surrounding area.

Local responsibility areas generally include incorporated cities, cultivated agriculture lands and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to the local government. The fire hazard severity zones for the area of local responsibility in the County are shown on Figure B-4 (Appendix B, Hazard Figures [in the MJLHMP). Fire severity zones are depicted for the Cities of Porterville and Woodlake in Figures B-13 and B-20 (Appendix B, Hazard Figures MJLHMP).

State responsibility area is a legal term defining the area where the State has financial responsibility for wildfire protection. Incorporated cities and Federal ownership are not included. The prevention and suppression of fires in all areas that are not State responsibility areas are primarily the responsibility of local or Federal agencies.

The portion of the County that transitions from the valley floor into the foothills and mountains is characterized by high to very high threat of wildfire; this includes the cities of Porterville and Woodlake, the jurisdiction of Tulare County Office of Education (TCOE), the Tule River Tribe Reservation and areas of the County unincorporated. Steeper terrain in these areas increases the threat of wildfire. The western portion of the County has little or no threat of wildfire. The risk of wildfire increases where human access exists in high fire hazard severity zones, such as the Sierra Nevada Mountains and foothills, because of a greater chance for human carelessness and because of historic and current fire management practices.

Impact of Climate Change

Climate and weather have long been acknowledged as playing key roles in wildfire activity, and global warming is expected to exacerbate fire impacts on natural and urban ecosystems. Predicting future fire regimes requires an understanding of how temperature and precipitation interact to control fire activity.[7] Since 2012, record drought and record temperatures, have weakened trees throughout California, resulting in millions of acres of failing forestland that then become vulnerable to disease and infestation. Infestations, such as those caused by native bark beetles, have caused tree mortality of epidemic proportions. The scale of tree mortality in California contributes to significantly increased wildfire risks, and presents life safety risks due to falling trees that can injure or kill people. The immediate consequence of tree mortality on California forestlands increases the potential for wildfires, further spread of forest insect tree damage, threats to critical public safety infrastructure from falling trees, reduced forest carbon stocks, loss of commercial timber values to landowners, and diminished wildlife habitat. Due to these increased risks, the County proclaimed states of emergency for tree mortality.

In addition, and in response to the millions of dead trees, a State of Emergency Proclamation was issued by the Governor. A Tree Mortality Task Force, comprised of State and Federal agencies led by CAL FIRE, Cal OES and the Governor's office has identified six counties as high hazard zones due to dead and dying trees and the hazards, this tree mortality presents. The 10 counties include: Amadore, Calaveras, El Dorado, Fresno, Kern, Madera, Mariposa, Placer, Tulare, and Tuolumne. Both the State's and the County's Tree Mortality Task Forces are structured as a Multi-Agency Coordination Group and meet monthly to exchange information and updates among stakeholders. Participants are encouraged to discuss needs and concerns, and leverage each other's subject matter expertise and resources to further response efforts."[277]

The proposed Project's location does not lend itself to wildfire risk as it is not within a fire hazard severity zone (as identified by CalFire[278]), lacks slope/terrain conducive to wildfire spread, lacks vegetation which would fuel wildfire (i.e., dense

[277] Tulare County 2018 Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP). March 2018. Pages 70-72. Accessed March 2023 at: https://oes.tularecounty.ca.gov/oes/mitigation/tulare-county-mjlhmp/

[278] California Department of Forestry and Fire Protection. 2007. Draft Fire Severity Zones in LRA Map. Accessed March 2023 at:

vegetation consisting of shrubs and bushes, dead or dying trees caused by drought or pest infestation (i.e., bark beetle), is surrounded by predominantly agriculturally productive lands, and, as noted earlier, is in the valley portion of the County which has no threat of wildfire.

Regulatory Setting

Federal

None that apply to the Project.

State

Senate Bill 1241 (Kehoe, 2012)

"Wildfire: Senate Bill 1241 (Kehoe, 2012) required the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop "amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code." (Pub. Resources Code, § 21083.01 (emphasis added).) The Agency added several questions addressing this issue. Notably, while SB 1241 required the questions to address specific locations, it did not necessarily limit the analysis to those locations, and so the Agency posed the questions for projects located within "or near" those zones. Lead agencies will be best placed to determine precisely where such analysis is needed outside of the specified zones."[279]

"The safety elements of local general plans will also describe potential hazards, including: "any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards …, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires." (Gov. Code § 65302(g)(1).) Hazards associated with flooding, wildfire and climate change require special consideration. (Id. at subd. (g)(2)-(g)(4).) Lead agencies must "discuss any inconsistencies between the Project and applicable general plans" related to a project's potential environmental impacts in a project's environmental review. (State CEQA Guidelines § 15125(d).) Local governments may regulate land use to protect public health and welfare pursuant to their police power. (Cal. Const., art. XI, § 7; California Building Industry Assn. v. City of San Jose (2015) 61 Cal. 4th 435, 455 ("so long as a land use restriction or regulation bears a reasonable relationship to the public welfare, the restriction or regulation is constitutionally permissible.)"[280]

CAL FIRE - Tulare Unit Strategic Fire Plan

As summarized in the 2017 Tulare Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP), "The Plan is a local road map to create and maintain defensible landscapes in order to protect vital assets. It seeks to reduce firefighting cost and property loss, increase public and firefighter safety, minimize wildfire risk to communities and contribute to ecosystem health. The Plan identifies pre-suppression projects including opportunities for reducing structural ignitability, and the identification of potential fuel reduction projects and techniques for minimizing those risks. The central goals that are critical to reducing and preventing the impacts of fire revolve around both suppression efforts and fire prevention efforts. The MJLHMP fire hazard analysis and fire related mitigation measures will be provided to Cal Fire to support the Tulare Unit Strategic Fire Plan."[281]

Cal Fire publishes Fire Hazard Severity Zone Maps for all regions in California, which can be viewed here. The fire hazard measurement used as the basis for these maps includes the speed at which a wildfire moves, the amount of heat the fire produces, and most importantly, the burning fire brands that the fire sends ahead of the flaming front. Lead agencies and project proponents can review the Cal Fire maps to determine whether a given project site will be subject to the new CEQA wildfire impacts analysis.

Local

Tulare County General Plan 2030 Update

https://osfm.fire.ca.gov/media/6832/fhszl06_1_map54.pdf

[279] MJLHMP. Page 70.

[280] Ibid. Pages 38 and 39.

[281] Ibid Table 3-1: Legal & Regulatory Capabilities. 14.

The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The following Tulare County General Plan 2030 Update policies could apply to this Project if it were located on sloped areas, fire hazards areas, lands susceptible to landslides, subsidence/settlement, contamination, and/or flooding; potential for wildland fires; etc.: *ERM-7.3 Protection of Soils on Slopes* wherein unless otherwise provided for in this General Plan, building and road construction on slopes of more than 30 percent shall be prohibited, and development proposals on slopes of 15 percent or more shall be accompanied by plans for control or prevention of erosion, alteration of surface water runoff, soil slippage, and wildfire occurrence; *HS-1.5 Hazard Awareness and Public Education* wherein the County shall continue to promote awareness and education among residents regarding possible natural hazards, including soil conditions, earthquakes, flooding, fire hazards, and emergency procedures; *HS-1.11 Site Investigations* wherein the County shall conduct site investigations in areas planned for new development to determine susceptibility to landslides, subsidence/settlement, contamination, and/or flooding; *HS-6.1 New Building Fire Hazards* - The County shall ensure that all building permits in urban areas, as well as areas with potential for wildland fires, are reviewed by the County Fire Chief; *HS-6.2 Development in Fire Hazard Zones* wherein the County shall ensure that development in extreme or high fire hazard areas is designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable State and County fire standards; *HS-6.3 Consultation with Fire Service Districts* wherein the County shall consult the appropriate fire service district in areas identified as subject to high and extreme fire hazard, for particular regulations or design requirements prior to issuance of a building permit or approval of subdivisions; *HS-6.5 Fire Risk Recommendations* - The County shall encourage the County Fire Chief to make recommendations to property owners regarding hazards associated with the use of materials, types of structures, location of structures and subdivisions, road widths, location of fire hydrants, water supply, and other important considerations regarding fire hazard that may be technically feasible but not included in present ordinances or policies; *HS-6.6 Wildland Fire Management Plans* wherein 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-6.13 Restoration of Disturbed Land* wherein the County shall support the restoration of disturbed lands resulting from wildfires; *HS-6.14 Coordination with Cities* wherein the County shall coordinate with cities to develop cohesive fire safety plans with overlapping coverage; and *HS-6.15 Coordination of Fuel Hazards on Public Lands* wherein the County shall work with local and Federal agencies to support efforts to reduce fuel related hazards on public lands.

Project Impact Analysis:

a) - d) No Impact: As noted earlier and summarized here, the proposed Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

Cumulative Impact Analysis: **No Impact –** The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and the Tulare County 2030 General Plan EIR. As noted earlier and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

The Project does not propose any other new developments or any changes to the existing surrounding land uses. According to the State Responsibility Area (SRA) Viewer, the Project site is not located in the SRA[282]. The Project does not impair the implementation of any adopted emergency response plan or evacuation plan. The Project will not exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, due to slope, prevailing winds, and other factors. The Project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, or other utilities) that may exacerbate fire risk or that may result in

[282] Ibid.

temporary or ongoing impacts to the environment. The Project will include development of a new transmission line from the Project site to the SCE Bliss substation along a utility easement within properties adjacent to the west side of Road 164 and also across Avenue 208 to SCE Bliss. The Project will not 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. Therefore, the Project will result in no impact related to this resource. As it is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, the Project will not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, due to slope, prevailing winds, and other factors. The Project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The Project will not 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. The facility shall comply with all applicable 2022 California Building Code and CFC standards (such as lighting, fire extinguishers, access/egress, etc.). The applicant shall install a Knox Box (key box) as required by the Tulare County Fire Department. Conditions of approval are included. All new construction would require the submittal of plans for fire department review, and would be required to meet construction methods in accordance with Chapter 7A of the 2022 California Building Code. Therefore, there will be no impact to the wildfires resource.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal species, 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?	☐	☐	☒	☐

Project Impact Analysis:

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the Project will have a less than significant effect on the local environment. As previously noted, and summarized here, the Project would result in the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres. The Project site development area is located both north and south of Avenue 208, west of Road 164. The Project would include the construction of axis mounted solar modules, an on-site substation, wiring and inverters, fence, access roads, and a new distribution interconnect power line (approximately one mile in total length) to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

a) Less Than Significant Impact With Mitigation: The potential for impacts to biological and cultural resources from the construction and operation of the Project will be less than significant with the incorporation of the **Mitigation Measures 5-1** through **5-3** as contained in Item 5 Cultural Resources. The analysis contained in Item 4 Biological Resources concludes that this resource has the potential to be impacted and has included **Mitigation Measures 4-1** through **4-3**. Accordingly, the Project will involve no potential for significant impacts due to degradation of the quality of the environment, substantial reductions in the habitat of a fish or wildlife species, causing a fish or wildlife population to drop below self-sustaining levels, threatening to eliminate a plant or animal community, reduction in the number or restriction of the range of a rare or endangered plant or animal or elimination of important examples of the major periods of California history or prehistory. As such, the impact will be less than significant for biological resources and less than significant with mitigation for cultural and tribal cultural resources.

b) Less Than Significant Impact: Projects considered in a cumulative analysis include those that would be constructed concurrently with the Project and those that would be in operation at the same time as the Project. The cumulative projects considered in this analysis are limited to projects that would result in similar impacts to the Project due to their potential to collectively contribute to significant cumulative impacts, as well as other development projects that would be located in the vicinity of the Project. There are no similar projects under consideration or construction located in and around a 10-mile radius of the Project site. As such, its physical distance and location would not contribute to a cumulative impact.

Tulare County staff have determined that there are no projects that could have the potential to contribute to cumulative impacts. The Project was determined to have no impacts to Energy, Land Use and Planning, Mineral Resources, Population and Housing, Recreation and Wildfire. Therefore, the Project will not result in considerable impacts in

combination with the other similar renewable energy projects (solar energy projects). The following environmental impacts were determined to be less than significant and did not require mitigation: Aesthetics, Agricultural Resources, Air Quality, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Public Services, Transportation, and Utilities and Service Systems. As discussed earlier, the Project will result in less than significant impacts to cultural resources (including paleontological and Tribal Cultural Resources) and noise with incorporation/implementation of mitigation measures identified earlier.

The majority of the potential impacts resulting from the Project will be short term, temporary, and intermittent occurring during project construction-related activities; and with negligible impacts resulting from project operation as discussed in the earlier environmental analysis. Because construction-related impacts are of a short duration, temporary, intermittent, and localized, they would have to occur concurrently and in proximity of other projects in order to have a cumulative impact. Construction-related impacts (which are primarily associated with air quality, biological resources, noise, and traffic) are not likely to act cumulatively with any other projects in a manner that would result in significant impacts.

The Project (as described in Items 3 Air Quality and 8 Greenhouse Gases) will have short-term impacts with regard to air quality and greenhouse gases during construction-related activities. However, the emissions associated with this Project are less significant when compared to baseline emissions levels as quantified in Items 3 Air Quality and 8 Greenhouse Gases, and are not considered cumulatively considerable pursuant to guidelines from the Air District. (See Impact 3(c) for a complete discussion of the Project's cumulative air quality impacts.) The Project would implement the applicable SJVAPCD rules, regulations, permit requirements, etc., (e.g., Best Available Control Measures); therefore, reducing the Project specific and cumulative impacts to a less than significant level. In addition, the Project would lead to cumulatively beneficial reductions in GHG emissions.

As discussed in Item 4, the Project site consists of disturbed agricultural land. Operation of the Project would not result in the loss of sensitive biological habitats or sensitive cultural resources as seen in Attachments "B" and "C". As such, when combined cumulatively with other projects, the Project would not result in impacts to biological or cultural resources that are cumulatively considerable.

Impacts to aesthetics from the Project would be minimal. As noted earlier, the general vicinity of the Project's location consists of a regional viewshed that already includes agriculturally productive lands, agricultural-related structures (e.g., barns, equipment sheds, wells, etc.), scattered rural residences, an electrical substation, rural streets, and seasonally used irrigation ditches. Areas of the related projects are not identified as having sensitive or significant visual resources. However, most of the projects would not be visible in the same viewshed. Further, while the solar projects may change the visual character of the area, in general they do not obstruct scenic vistas. Although the Project may contribute to visual impacts on the area due to the addition of more solar facility uses in an agricultural area, the contribution of the Project would not be cumulatively considerable because the visual quality of the overall area is low and other currently operational solar facilities are scattered throughout out the County. Thus, the Project plus the related solar projects would result in less than significant cumulative impact to Aesthetics.

No archaeological or historic resources were located on the Project site. With implementation of the cultural resource mitigation measures specified in Impact 5 Cultural Resources, the Project would not cause cumulatively considerable cultural resource impacts because impacts to unknown cultural resources would be minimized.

The Project also will not cause cumulatively considerable geology and soils impacts (with the exception of paleontological resources, as noted earlier), as the Project-specific impacts will be less than significant and will not be anticipated to combine with impacts caused by the cumulative projects identified by the County.

The Project will not cause cumulatively considerable impacts related to hazards and hazardous materials. While small amounts of hazardous materials may be used or transported as a result of construction-related activities as the Project develops, these activities will occur in compliance with applicable laws and regulations, and any impacts resulting from use, transport, disposal, or accident or upset conditions will be localized in nature. As a result, any Project-level impacts will not have the potential to contribute to hazards associated with other projects because these impacts would only occur intermittently, if at all. Similarly, the Project will not contribute to cumulative wildland fire-related impacts because it is located in an area with low wildland fire risk.

The Project will not cause cumulatively considerable hydrology and water quality-related impacts. The Project applicant will be required to implement a SWPPP to reduce impacts and will not cause discharge to any surface or groundwater sources or alter the course of any stream or river. Nor will the Project change runoff patterns in the area.

The Project will not cause cumulatively considerable land use and planning impacts. The Project is consistent with all applicable land use planning policies, and will be required to implement a reclamation plan at the end of the Project's life. The reclamation plan will ensure that the Project does not result in effects on neighboring land uses. As a result, the Project's impacts will not be cumulatively significant.

The Project also will not combine noise-related impacts with that of other projects to cause cumulatively considerable impacts. Construction-related activities will cause short-term, temporary, and intermittent increases in noise in the area, and could occur at the same time as other noise-causing events in the area. However, no other concurrent construction projects are anticipated to occur adjacent to or near the Project site, and operational noise will be minimal. As a result, the Project is not anticipated to considerably contribute to cumulative noise impacts during construction or operation. Therefore, a less than significant Project-specific impact related to this Checklist Item will occur.

Because the Project will not cause population growth in the area, it will not lead to construction of new or expanded police or fire protection facilities, or interfere with operation of existing facilities, or create the need for new recreation facilities. The Project will also be designed to minimize fire hazard, and existing emergency response in the area is adequate. Cumulative projects in the area are similarly situated, in that they will not lead to the new for new or expanded police or fire protection facilities or recreation facilities or cause substantial fire hazards. As a result, the Project will not cause cumulatively considerable public services or recreation impacts.

The Project will not cause cumulatively considerable traffic, transportation, or utilities-related impacts. The Project's trip generation projections during both construction and operation are low and will not cause substantial increases in traffic on surrounding roads. In addition, Project construction is not anticipated to overlap with other construction projects in a way that will cause combining of traffic impacts. Because the Project and cumulative projects would cause very little runoff and a minimal amount of waste, the Project will not cause cumulatively considerable utilities-related impacts.

Finally, as noted earlier, Items 20 a) through d) Wildfire, does not apply to the Project as it is not located in state responsibility areas or lands classified as very high fire hazard severity zones. As such, no Project-specific Impact or Cumulative Impacts will occur.

Each of the cumulative projects considered in this section would be required to comply with project-specific mitigation measures and/or conditions of approval, as well as applicable General Plans, zoning ordinances, laws and policies. The implementation of the identified Project-specific mitigation measures and compliance with applicable codes, compliance with the Tulare County General Plan, identified Best Management Practices, ordinances, laws, and other required regulations will reduce the magnitude of any contribution to cumulative impacts to a less than significant level.

c) Less Than Significant Impact With Mitigation: The Project will not result in substantial adverse effect on human beings, either directly or indirectly. Mitigation Measures (see **Mitigation Measures 13-1** through **13-5**) are provided to reduce the Project's potential effects from Noise to less than significant. No additional mitigation measures will be required. Therefore, implementation of the Project would result in a less than significant impact.

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ATTACHMENT "A"

Air Quality and Greenhouse Gas Technical Memorandum

RESOURCE MANAGEMENT AGENCY

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TECHNICAL MEMORANDUM
AIR QUALITY AND GREENHOUSE GAS ASSESSMENT

DATE: March 24, 2023
TO: Hector Guerra, Chief Environmental Planner
FROM: Jessica Willis, Planner IV
SUBJECT: Air Quality and Greenhouse Gas Assessment for the Tulare 40 Generation Facility (PSP 23-012)

PROJECT DESCRIPTION AND LOCATION

Coldwell Solar 1, LLC (Applicant) is proposing the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two (2) parcels totaling approximately 160 acres in western Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and is west of Road 164. The Project site is addressed as 16398 Avenue 208, Strathmore, CA. The Project will be located on two separate properties/locations located both north and south of Avenue 208, west of Road 164 (see **Figure 1**).

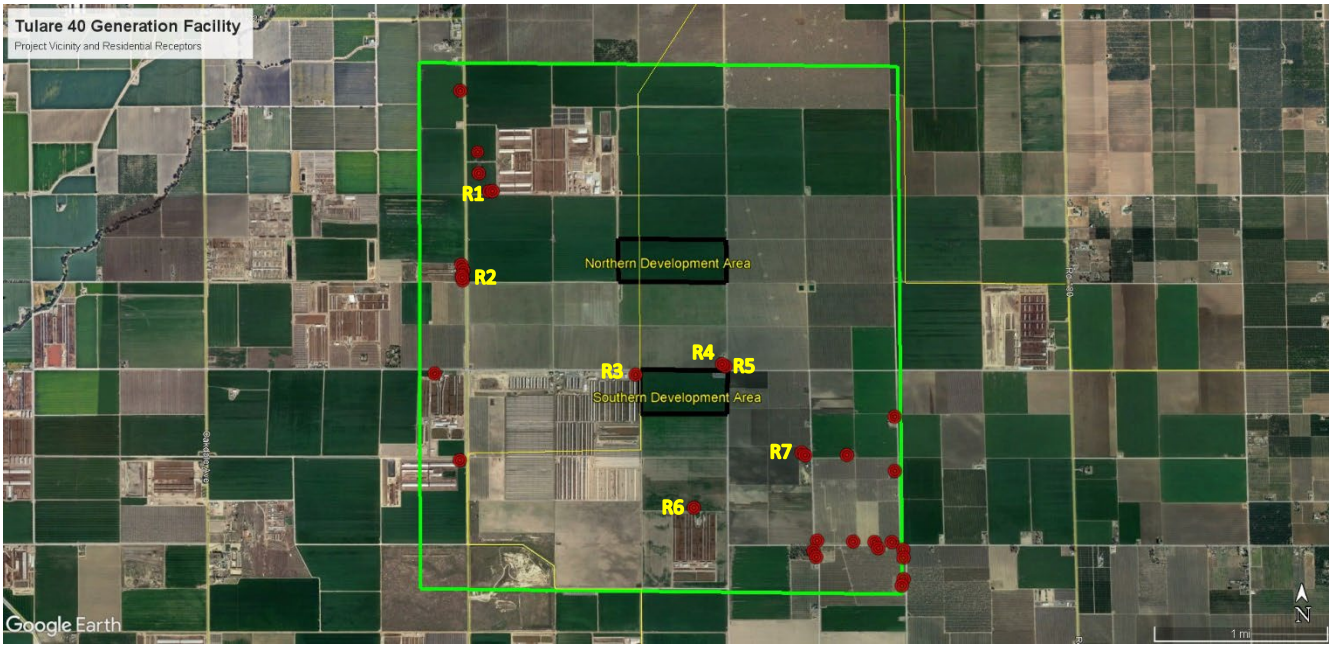
The Project will include installation of approximately 68,040 single axis mounted solar modules, rated at 650 watts per module. It should be noted that watts per module may increase at time of Project construction; however, for planning purposes we have included an approximate module output of 650 watts. In addition to the installation of photovoltaic (PV) solar modules, the proposed development area of the Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new very short distribution interconnect power line to the existing substation located directly adjacent to the Project location at the Southern California Edison (SCE) Bliss Substation. The southern development area of the Project would potentially include a 20 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

PURPOSE AND NEED FOR ASSESSMENT

This document is intended to assist Tulare County Resource Management Agency (RMA) staff in the preparation of the Air Quality and Greenhouse Gas (GHG) components of the Mitigated Negative Declaration (MND) being prepared for the proposed Tulare 40 Generation Facility (PSP 23-012). The assessment is intended to provide sufficient detail regarding potential impacts of Project implementation and to identify mitigation measures, if necessary, to reduce potentially significant impacts.

The air quality assessment provided in this document was prepared to evaluate whether the air pollutant emissions generated from implementation of the Project would cause significant impacts to air quality and health risks to nearby receptors. The GHG assessment was prepared to evaluate whether the estimated GHG emissions generated from the implementation of the Project would cause significant impacts on global climate change.

Figure 1. Project Vicinity and Residential Receptors Within 1-Mile Radius



The assessments were conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000, et seq.). The methodology for the Air Quality and GHG assessments follows Air District recommendations for quantification of emissions and evaluation of potential impacts as provided in their guidance documents:

- *Guidance for Assessing and Mitigating Air Quality Impacts* (GAMAQI), adopted March 19, 2015.[1]
- *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA*, adopted December 17, 2009.[2]

The assessments are intended to provide the County of Tulare (County) with sufficient detail regarding potential impacts of Project implementation and to identify mitigation measures, if necessary, to reduce potentially significant impacts.

MODELING ASSUMPTIONS

Project Background

The proposed Project is a revision to the Tulare 40 Solar Generation Facility (PSP 20-068) approved by the Tulare County Planning Commission on July 28, 2021, Resolution #9874.[3] As identified in the

[1] Air District. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. https://www.valleyair.org/transportation/GAMAQI_12-26-19.pdf. Accessed November 2020.

[2] Air District. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA. December 17, 2009. https://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf. Accessed November 2020.

[3] The MND for PSP 20-068 is available on the Tulare County RMA website at https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-planning-archive/.

Revised Project and Operations Description,[4] the proposed modification will move the Project site approximately 2.3 miles to the south of the previous approved site. This relocation will eliminate the need for building approximately five (5) miles of 66 KV transmission lines and will connect the Project directly into the adjacent Bliss substation. The size of the proposed Project and prior descriptions of the equipment are basically the same, with changes in module wattage as time has passed.

Emissions Analysis

The proposed Project will include construction and operational emissions. On-site construction activities include: site preparation including access roads, PV panel system installation, and installation of inverters, transformers, and substation. Off-site construction activities include installation of the collector system and interconnection with the Southern California Edison (SCE) Bliss substation. Construction emissions include vehicle exhaust from on-site construction equipment as well as off-site material hauling and construction employee travel trips. On-site operational activities include vehicle exhaust from maintenance activities including panel washing and weed abatement. Off-site operational activities include transport of operation and maintenance supplies and employee travel trips.

Table 1 provides a comparison between the previously approved project (PSP 20-068) and the Project as currently proposed. As shown in **Table 1**, the number of modules has been reduced by approximately 47% (60,960 modules) and the total development area has decreased by approximately 32% (77 acres), while the potential storage capacity has increased threefold (up to 20 MW). While the construction area and number of modules have decreased, the Project has been designed such that the overall energy production will remain at 40 MW.

Table 1. Project Design Comparison

Project Element	Previous Project[1] (PSP 20-068)	Current Project[2] (PSP 23-012)	Difference	% Difference
Project Size (acres)	237	160	-77	-32
Energy Production (MW)	40	40	---	---
Modules (each)	129,000	68,040	-60,960	-47
Inverter Stations (each)	12	9	-3	-25
Substation (each)	2	1	-1	-50
Battery Storage (MW)	5	20	+15	300
Power Lines (miles)	5.4	0	-5.4	-100
Access Roads (linear feet)	43,000	37,000	-6,000	-14
Construction (months)	8	8	---	---
Construction Trips (ADT)	3 HHDT 150 employee	3 HHDT 150 employee	---	---
Panel Cleaning (days)	20	20	---	---
Security / Maintenance (days)	260	260	---	---

Note: ADT = Average Daily Trips
Sources:
1. Project and Operations Description included as Attachment "D" of the MND for PSP 23-012.
2. Revised Project and Operations Description included in the MND for PSP 23-012.

As previously noted, the proposed Project is a revision to the previously approved project (PSP 20-068) and development of the Project sites will be similar to that previously approved. The relocation of the Project site will result in fewer acres disturbed during construction, with fewer modules to be installed

[4] Revised Project and Operations Description for the Proposed Tulare 40 Project Unincorporated Portion of Tulare, California (APN 196-030-004, APN 196-020-012) is included in the MND as part of Attachment "E".

and no need for new power lines. As such, Project construction and operational emissions have been quantified by analogy using the analysis provided in the previously approved project (PSP 20-068).

SIGNIFICANCE THRESHOLDS

CEQA Guidelines define a significant effect on the environment as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.[5] To determine if a project would have a significant impact on air quality and climate change, the type, level, and impact of criteria pollutant and GHG emissions generated by the project must be evaluated. Appendix G of the CEQA Guidelines provides the criteria (as Checklist Items) for evaluating potential impacts on the environment. The CEQA criteria and the Air District's significance thresholds and guidance for evaluation are provided below.

Criteria Pollutant Significance Thresholds

Air Quality Plans

The Air District has established thresholds of significance for criteria pollutant emissions. These thresholds are based on District New Source Review (NSR) offset requirements for stationary sources. "Stationary sources in the District are subject to some of the toughest regulatory requirements in the nation. Emission reductions achieved through implementation of District offset requirements are a major component of the District's air quality plans. Thus, projects with emissions below the thresholds of significance for criteria pollutants would be determined to "Not conflict or obstruct implementation of the District's air quality plan"."[6]

The Air District has three sets of significance thresholds based on the source of the emissions. According to the GAMAQI, "The District identifies thresholds that separate a project's short- term emissions from its long-term emissions. The short-term emissions are mainly related to the construction phase of a project and are recognized to be short in duration. The long-term emissions are mainly related to the activities that will occur indefinitely as a result of project operations."[7]

Long-term (operational) emissions are further separated into permitted and non-permitted equipment and activities. Stationary (permitted) sources that comply or will comply with Air District rules and regulations are generally not considered to have a significant air quality impact. Specifically, the GAMAQI states, "District Regulation II ensures that stationary source emissions will be reduced or mitigated to below the District's significance thresholds… District implementation of New Source Review (NSR) ensures that there is no net increase in emissions above specified thresholds from New and Modified Stationary Sources for all nonattainment pollutants and their precursors. Furthermore, in general, permitted sources emitting more than the NSR Offset Thresholds for any criteria pollutant must offset all emission increases in excess of the thresholds…."[8]

The Air District's significance thresholds are provided in **Table 2**.

[5] CEQA Guidelines Sections 15002(g) and 15382.

[6] Air District, GAMAQI, Section 7.12, Page 65.

[7] Air District, GAMAQI, Section 8.1, Page 75.

[8] Air District, GAMAQI, Section 8.2.1, Page 76.

Table 2. Air District Criteria Pollutant Significance Thresholds			
Pollutant/ Precursor	**Construction Emissions**	**Operational Emissions**	
		Permitted Equipment and Activities	**Non- Permitted Equipment and Activities**
	Emissions (tpy)	**Emissions (tpy)**	**Emissions (tpy)**
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM_{10}	15	15	15
$PM_{2.5}$	15	15	15
Source: Air District, http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf, accessed March 2023.			

Air Quality Violations

"Determination of whether project emissions would violate any ambient air quality standard is largely a function of air quality dispersion modeling. If project emissions would not exceed State and Federal ambient air quality standards at the project's property boundaries, the project would be considered to not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The need to perform an air quality dispersion modeling analysis for any project (urban development, commercial, or industrial projects) is determined on a case- by-case basis depending on the level of emissions associated with the proposed project. If such modeling is found necessary, the project consultant should check with the District to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available on-line at the District's website www.valleyair.org."[9]

"The thresholds of significance for Ambient Air Quality are based on the California Ambient Air Quality Standard (CAAQS) and National Ambient Air Quality Standard (NAAQS). A project would be considered to have a significant impact if its emissions are predicted to cause or contribute to a violation of an ambient air quality standard by exceeding any of the following:

1. Any of the CAAQS, or
2. Any of the NAAQS, and if available, the associated Significant Impact Level (SIL)."[10]

Table 3 provides the California and National Ambient Air Quality Standards.

[9] Air District, GAMAQI, Section 7.13, Page 65.
[10] Air District, GAMAQI, Section 8.4, Page 90.

Table 3. Ambient Air Quality Standards				
Pollutant	**Averaging Time**	**California Standards**	**National Standards**	
		Concentration	**Primary**	**Secondary**
Ozone (O3)	1 Hour	0.09 ppm (180 µg/m3)	---	Same as Primary
	8 Hour	0.070 ppm (137 µg/m3)	0.070 ppm* (137 µg/m3)	
Respirable Particulate Matter (PM10)	24 Hour	50 µg/m3	150 µg/m3	Same as Primary
	Annual Arithmetic Mean	20 µg/m3	---	
Fine Particulate Matter (PM2.5)	24 Hour	---	35 µg/m3	Same as Primary
	Annual Arithmetic Mean	12 µg/m3	12.0 µg/m3	15.0 µg/m3
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m3)	35 ppm (40 mg/m3)	---
	8 Hour	9.0 ppm (10 mg/m3)	9 ppm (10 mg/m3)	---
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m3)	---	---
Nitrogen Dioxide (NO2)	1 Hour	0.18 ppm (339 µg /m3)	100 ppb (188 µg/m3)	Same as Primary
	Annual Arithmetic Mean	0.030 ppm (57 µg/m3)	0.053 ppm	Same as Primary
Sulfur Dioxide (SO2)	1 Hour	0.25 ppm (655 µg/m3)	75 ppb (196 µg/m3)	---
	3 Hour	---	---	0.5 ppm (1300 µg/m3)
	24 Hour	0.04 ppm (105 µg/m3)	0.14 ppm (for certain areas)	---
	Annual Arithmetic Mean	---	0.030 ppm (for certain areas)	---
Lead	30 Day Average	1.5 µg/m3	---	---
	Calendar Quarter	---	1.5 µg/m3 (for certain areas)	Same as Primary
	Rolling 3-Month Average	---	0.15 µg/m3	
Visibility Reducing Particles	8 Hour	Extinction of 0.23/km; visibility of 10 miles or more	**No National Standards**	
Sulfates	24 Hour	25 µg/m3		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m3)		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m3)		

** The standard at the time of the GAMAQI was 0.075 ppm; the standard presented here was finalized on October 26, 2015.*
Abbreviations: ppm = parts per million; mg/m3 = milligram per cubic meter; µg/m3 = micrograms per cubic meter.
Sources: Air District, GAMAQI, Table 3, page 91; ARB, https://ww2.arb.ca.gov/resources/documents/ambient-air-quality-standards-0, and EPA, https://www.epa.gov/criteria-air-pollutants/naaqs-table, accessed March 2023.

"Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NOx and PM) from construction equipment and other mobile sources, and fugitive dust (PM) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

When assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstance, the District recommends that an ambient air quality analysis be performed. An ambient air quality analysis uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of the ambient air quality standards."[11]

Cumulative Impacts

"By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development. Future attainment of State and Federal ambient air quality standards is a function of successful implementation of the District's attainment plans. Consequently, the District's application of thresholds of significance for criteria pollutants is relevant to the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

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 in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located [CCR §15064(h)(3)].

Thus, if project specific emissions exceed the thresholds of significance for criteria pollutants the project would be expected to result in a cumulatively considerable net increase of any criteria pollutant for which the District is in non-attainment under applicable Federal or State ambient air quality standards. This does not imply that if the project is below all such significance thresholds, it cannot be cumulatively significant. The thresholds of significance are presented in Chapter 8 [of the GAMAQI]"[12].

Table 4 provides the San Joaquin Valley Air Basin attainment status for federal and state ambient air quality standards.

[11] Air District, GAMAQI, Section 8.4, Page 93.

[12] Air District, GAMAQI, Section 7.14, Pages 65-66.

Table 4. San Joaquin Valley Attainment Status		
Pollutant	**Designation / Classification**	
	Federal Standards	**State Standards**
Ozone—1-hour	No Federal Standard	Nonattainment/Severe
Ozone—8-hour	Nonattainment/Extreme	Nonattainment
PM_{10}	Attainment	Nonattainment
$PM_{2.5}$	Nonattainment	Nonattainment
Carbon monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen dioxide	Attainment/Unclassified	Attainment
Sulfur dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility-reducing particles	No Federal Standard	Unclassified
Vinyl chloride	No Federal Standard	Attainment
Source: Air District, http://www.valleyair.org/aqinfo/attainment.htm, accessed March 2023.		

Health Risk Significance Thresholds

From a health risk perspective, there are two (2) categories of projects that have the potential to cause long-term health risks impacts:

- Type A Projects: Land use projects that will place new toxic sources in the vicinity of existing receptors. This category includes sources of toxic emissions such as gasoline dispensing facilities, asphalt batch plants, warehouse distribution centers, freeways and high traffic roads, and other stationary sources that emit toxic substances.
- Type B Projects: Land use projects that will place new receptors in the vicinity of existing toxic sources. This category includes residential, commercial, and institutional developments proposed in the vicinity of existing sources such as stationary sources, freeways and high traffic roads, rail yards, and warehouse distribution centers.[13]

"Various tools already exist to perform a screening analysis from stationary sources impacting receptors (Type A projects) as developed for the AB2588 Hot Spots and air district permitting programs. Screening tools may include prioritization charts, AERSCREEN and various spreadsheets. For projects being impacted by existing sources (Type B projects), one screening tool is contained in the ARB Handbook: Air Quality and Land Use Handbook: A Community Health Perspective. The document includes a table entitled "Recommendations on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities" with recommended buffer distances associated with various types of common sources. If a proposed project is located within an established buffer distance to any of the listed sources, a health risk screening and/or assessment should be performed to assess risk to potential sensitive receptors. These guidelines are intended only for projects that are impacted by a single source. Another useful tool is the CAPCOA Guidance Document: Health Risk Assessments for Proposed Land Use Projects. CAPCOA prepared the guidance to assist Lead Agencies in complying with CEQA

[13] Air District, GAMAQI, Section 6.5, Page 44.

requirements. The guidance document describes when and how a health risk assessment should be prepared and what to do with the results."[14]

"Determination of whether project emissions would expose sensitive receptors to substantial pollutant concentrations is a function of assessing potential health risks. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. When evaluating whether a development proposal has the potential to result in localized impacts, Lead Agency staff need to consider the nature of the air pollutant emissions, the proximity between the emitting facility and sensitive receptors, the direction of prevailing winds, and local topography. Lead Agencies are encouraged to use the screening tools for Toxic Air Contaminant presented in section 6.5 (Potential Land Use Conflicts and Exposure of Sensitive Receptors [pages 44 – 45 of the GAMAQI]) to identify potential conflicts between land use and sensitive receptors and include the result of their analysis in the referral document."[15]

For projects with a Prioritization Score less than 1.0, the Air District has determined no further risk analysis is required.[16] For projects with a Prioritization Score greater than 1.0, the Air District recommends a more refined risk analysis. The Air District's current thresholds of significance for toxic air contaminant (TAC) emissions from the operations of both permitted and non-permitted sources are combined and presented in **Table 5**.

Table 5. Air District Toxic Air Contaminant Thresholds of Significance

Carcinogens	Maximally Exposed Individual risk equals or exceeds 20 in one million
Non-Carcinogens	Acute: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
	Chronic: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
Source: Air District, http://www.valleyair.org/transportation/0714-GAMAQI-TACs-Thresholds-of-Significance.pdf , accessed March 2023.	

It is important to note that, according to the Air District, "A designation of significant risk, however, does not necessarily mean that those exposed will develop harmful health effects."[17]

Nuisance Odor Screening Thresholds

"Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative or formulaic methodologies to determine the presence of a significant odor impact. Rather, the District recommends that odor analyses strive to fully disclose all pertinent information. The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. The District has identified some common types of facilities that have been known to produce odors in the San Joaquin Valley. These are presented

[14] Air District, GAMAQI, Section 6.5, Page 45.
[15] Air District, GAMAQI, Section 7.15, Page 66
[16] Air District, APR 1905 Risk Management Policy for Permitting New and Modified Sources and APR 1906 Framework for Performing Health Risk Assessments, https://www.valleyair.org/policies_per/policies_per_idx.htm.
[17] Air District, Understanding Air Toxics and Risk, https://www.valleyair.org/brochures/docs/English/Understanding%20Air%20Toxics%20Brochure.pdf, accessed March 2023.

in Chapter 8 [of the GAMAQI] along with a reasonable distance from the source within which, the degree of odors could possibly be significant."[18]

"The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. The District has identified some common types of facilities that have been known to produce odors in the San Joaquin Valley Air Basin. These are presented in Table 6 (Screening Levels For Potential Odor Sources) [of the GAMAQI] along with a reasonable distance from the source within which, the degree of odors could possibly be significant. Table 6 (Screening Levels for Potential Odor Sources) [of the GAMAQI, **Table 5** of this document], can be used as a screening tool to qualitatively assess a project's potential to adversely affect area receptors. This list of facilities is not all-inclusive. The Lead Agency should evaluate facilities not included in the table or projects separated by greater distances if warranted by local conditions or special circumstances. If the proposed project would result in sensitive receptors being located closer than the screening level distances, a more detailed analysis should be provided."[19]

Table 6 presents the Air District's screening levels for potential nuisance odor sources.

Table 6. Air District Screening Levels for Potential Odor Sources

Odor Generator / Type of Facility	Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

Sources: Air District, https://www.valleyair.org/transportation/GAMAQI-2015/GAMAQI-Criteria-Pollutant-Thresholds-of-Odors.pdf, accessed August 8, 2022.

Greenhouse Gas (GHG) Significance Thresholds

"It is widely recognized that no single project could generate enough GHG emissions to noticeably change the global climate temperature. However, the combination of GHG emissions from past, present and future projects could contribute substantially to global climate change. Thus, project specific GHG emissions should be evaluated in terms of whether or not they would result in a cumulatively significant impact on global climate change. GHG emissions, and their associated contribution to climate change,

[18] Air District, GAMAQI, Section 7.16, Pages 66-67
[19] Air District, GAMAQI, Section 8.6, Pages 102-103

are inherently a cumulative impact issue. Therefore, project-level impacts of GHG emissions are treated as one-in-the-same as cumulative impacts." [20]

The Air District has determined that, "Projects complying with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the Lead Agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the Lead Agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement Best Performance Standards (BPS)."[21]

IMPACT EVALUATION

AIR QUALITY IMPACTS

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

Project Impact Analysis: ***Less Than Significant Impact***

Implementation of the proposed Project would result in a renewable energy resource that would generate no direct operational emissions of criteria air pollutants. Indirect on- and off-site operational emissions of criteria pollutants would be generated as a result of employee trips related to maintenance and periodic PV panel washing activities.

As previously noted, the Air District has determined that projects with emissions below the Air District's thresholds of significance for criteria pollutants would not conflict or obstruct implementation of the Air District's air quality plans. As similar projects will likely result in similar emissions, Project-related emissions have been estimated for similar solar projects (Tulare 40 Generation Facility (PSP 20-068), Angela Solar (PSP 19-083), and Deer Creek Solar (PSP 18-011)) and are used in this assessment by analogy.[22] The emissions tables from the previously approved Tulare 40 Generation Facility, which includes a summary of the Deer Creek Solar and Angela Solar project emissions, are provided for reference in Attachment "C" of this document. As the proposed Project is a revision of the previously approved project and the overall development area is smaller than the initial project, it will likely generate fewer emissions. As such, the emissions for the proposed Project are calculated using the emissions analysis for the previously approved project.

Table 7 provides the construction-related criteria pollutant emissions and **Table 8** provides the operations-related criteria pollutant emissions associated with the development of the Project. As shown in **Tables 7** and **8**, the estimated Project emissions will not exceed the Air District's CEQA significance thresholds for any pollutants. This determination is based on comparing the previously approved Tulare 40 Generation Facility (PSP 20-068) project's emissions to the proposed Project. The revised Project development area is approximately 68% of the development area of the approved project. As air emissions are linear by nature, construction related activities would emit 32% fewer emissions. Likewise,

[20] Air District, GAMAQI, Section 8.9.1, Pages 111

[21] Air District, GAMAQI, Section 8.9.1, Page 112

[22] The MNDs for the Tulare 40 Generation Facility (PSP 20-068), Angela Solar (PSP 19-083), and Deer Creek Solar (PSP 18-011) projects are available on the County website at: https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-planning-archive/.

the area of operations, that is, the area available for maintenance and panel washing vehicles to move around the site (i.e., access roads) is approximately 86% of the operational area of the approved project; as such, operational activities would emit 14% fewer emissions. The project comparison calculations between the approved and proposed revised projects are included in Attachment "A" of this document.

Table 7. Project Construction Criteria Pollutant Emissions (unmitigated)						
Project	**Tons per Year**					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Tulare 40, PSP 20-068	0.4419	4.9470	3.4152	0.0085	0.4470	0.2830
Tulare 40, PSP 23-012	0.3005	3.3639	2.3224	0.0057	0.3040	0.1924
Air District Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***
Sources: Emissions calculation tables for proposed Project (Attachment "A") and for the previously approved project (Attachment "C") of this document.						

Table 8. Project Operational Criteria Pollutant Emissions (unmitigated)						
Project	**Tons per Year**					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Tulare 40, PSP 20-068	0.0016	0.0049	0.0260	7.1500E-05	0.0068	0.0019
Tulare 40, PSP 23-012	0.0014	0.0042	0.0224	6.1490E-05	0.0059	0.0016
Air District Threshold	*10*	*10*	*100*	*27*	*15*	*15*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***
Sources: Emissions calculation tables for proposed Project (Attachment "A") and for the previously approved project (Attachment "C") of this document.						

As previously noted, the primary source of emissions from the Project are the result of on-site construction equipment and on-road hauling of construction materials. The Air District evaluates significance of short-term (construction) emissions independent of long-term (operational) emissions. As demonstrated in **Tables 7** and **8**, Project-related emissions during construction and operations will not exceed the Air District's CEQA significance thresholds for any criteria pollutant. Furthermore, the proposed Project will be required to comply with all applicable Air District rules and regulations including, but not limited to, Regulation VIII (Fugitive PM10 Prohibition) and Rule 9510 (Indirect Source Review), which will further reduce Project-related emissions. Therefore, the Project would not conflict with or obstruct implementation of the applicable AQPs. The Project will have a *Less Than Significant Project-specific Impact* related to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project would be considered to have a significant cumulative impact on air quality if Project-specific impacts are determined to be significant. As presented in **Tables 7** and **8**, the short-term construction and the long-term operational-related emissions will not exceed the Air District's thresholds of significance. As such, the Project will not conflict with or obstruct implementation of the applicable air quality plans. Furthermore, the proposed Project site will be required to implement all applicable General Plan policies and to comply with all applicable federal, state, and Air District rules and regulations. Therefore, the Project will result in a *Less Than Significant Cumulative Impact* related to this Checklist Item.

Mitigation Measures: ***None Required***

Conclusion: ***Less Than Significant Impact***

As previously noted, the Project will not exceed the Air District's thresholds of significance and therefore, will not conflict with or obstruct implementation of the applicable air quality plans. *Less Than Significant Project-specific and Cumulative Impacts* related to this Checklist Item will occur.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Project Impact Analysis: ***Less Than Significant Impact***

The San Joaquin Valley Air Basin is designated as non-attainment for both federal and state 8-hour ozone standards, as well as for the state 1-hour ozone standard. Additionally, the Air Basin is designated as non-attainment for the state PM10 standards, as well as for both the federal and state PM2.5 standards.

As previously noted, the Air District's guidance states that if project specific criteria pollutant emissions exceed the thresholds of significance the project would be expected to result in a cumulatively considerable net increase of those emissions. As presented in **Table 7** and **8**, proposed Project construction- and operational-related activities emissions would not exceed the annual Air District thresholds of significance for any criteria pollutant.

The Air District also provides guidance for the use of Ambient Air Quality Analysis (AAQA) screening to determine whether a project may exceed any applicable federal or state standards. As shown in **Table 9**, daily construction and operational emissions will not exceed the Air District's 100-pound-per-day (lb/day) screening threshold.

Table 9. Project Daily Criteria Pollutant Emissions (unmitigated)

Project	Pounds per Day					
	ROG	**NOx**	**CO**	**SO2**	**PM10 Total**	**PM2.5 Total**
Construction Emissions[1]	3.4145	38.2265	26.3904	6.5295E-02	3.4541	2.1869
Operational Emissions[2]	0.0108	0.0322	0.1720	4.7300E-04	0.0452	0.0123
Total Emissions	3.4252	38.2587	26.5624	6.5768E-02	3.4993	2.1992
AAQA Screening Threshold	*100*	*100*	*100*	*100*	*100*	*100*
Threshold Exceeded?	***NO***	***NO***	***NO***	***NO***	***NO***	***NO***

1. Emissions based on 176 days of construction (22 work days/month x 8 months).
2. Emissions based on 260 work days per year (5 work days/week x 52 weeks/year).
Sources: Project daily emissions calculation included in Attachment "A" of this memo.

The proposed Project will not result in emissions that would exceed the District's annual criteria pollutant thresholds, nor will it cause an exceedance of the Air District's AAQA screening thresholds. Therefore, the Project will have a *Less Than Significant Project-specific Impact* related to this Checklist Item.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Air Basin. The Project would be considered to have a significant cumulative impact on air quality if Project-specific impacts are determined to be significant. As Project-specific impacts are less than significant, the Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment. Therefore, *Less Than Significant Cumulative Impacts* related to this Checklist Item will occur.

Mitigation Measures: ***None Required***

Conclusion: ***Less Than Significant Impact***

As previously noted, the Project will not exceed the Air District's annual thresholds of significance or daily screening thresholds. Therefore, the proposed Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as nonattainment under applicable ambient air quality standard. *Less Than Significant Project-specific and Cumulative Impacts* related to this Checklist Item will occur.

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

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

The Air District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. **Table 10** identifies the nearest receptors to the Project development areas.

Table 10. Location of Sensitive Receptors

Receptor	Distance to Receptor[1]		Direction from Project Area
	Meters	Feet	
Northern Development Area			
R1	1,243	4,080	northwest
R2	1,429	4,689	west
R3	891	2,924	south
R4	742	2,435	south
Southern Development Area			
R4	47	150	west
R5	47	150	north
R6	865	2,837	south
R7	765	2,508	southeast

1. Distances are approximate and indicate the receptors distances to the Project boundaries.
Source: Google Earth, see also Figure 1 of this memo.

Criteria Pollutant Risks

Federal and state ambient air quality standards (AAQS) have been established for each criteria pollutant to protect the public health and welfare. The federal and state standards were developed independently with differing purposes and methods, although both processes are intended to avoid health-related effects. As such, it is reasonable to assume that if a project's emissions exceed the applicable air quality standard, which was established to protect human health, then the Project could pose a potential health risk to nearby receptors. As noted in Item b), the Air District has established a 100 lb/day screening threshold for each of the criteria pollutants to determine if a project's emissions may exceed any of the applicable AAQS. Based on the emissions presented in **Table 9**, construction and operational criteria pollutant emissions resulting from Project implementation would not exceed the 100 lb/day screening threshold. Therefore, the proposed Project would not exceed any of the health based AAQS and the Project would not expose nearby receptors to substantial criteria pollutant concentrations. *Less Than Significant Project-specific Impacts* related to this Checklist Item will occur.

Toxic Air Contaminants

Diesel particulate matter (DPM) represents the primary toxic air contaminates (TAC) of concern associated with the proposed Project. DPM emissions are primarily the result of the operation of internal combustion engines in equipment (e.g., loaders, backhoes, and cranes, as well as haul trucks) commonly associated with construction-related activities and with on-road diesel fueled truck trips during both construction- and operational-related activities.

The Air District recommends conducting a screening analysis for projects that have the potential to expose sensitive receptors to TAC emissions (e.g. DPM during project construction-related activities) that could pose a significance health risk. The Air District has devolved a prioritization tool to evaluate whether a Health Risk Assessment (HRA) should be prepared, which is based on the California Air Pollution Control Officers Association's (CAPCOA) latest methodology and OEHHA guidance. According to the Air District guidance, projects that obtain a prioritization score of ≥1 or more is considered to be potentially significant and a refined analysis would be required to determine the project's potential health risks.

Since activities associated with the operations of the proposed Project would result in short-term, temporary, and intermittent use of mobile sources of DPM, which are required to comply with all applicable ARB emissions standard rules and regulations, operation-related activities of the proposed Project would not expose nearby sensitive receptors to substantial DPM emissions. Therefore, health risks associated only with proposed Project construction-related activities are evaluated below.

The Air District's prioritization screening tool was used to evaluate the potential health risks during proposed Project construction-related activities.[23] Similar to the discussion at Item a) above, potential health risks have been estimated using data from the previously approved project which are used in this document by analogy as similar projects will likely result in similar emissions. As previously noted, this Project is smaller than the comparative project (approximately 68% of the development area with only 53% of the modules being installed) and will likely generate fewer DPM emissions. The operation of each piece of equipment within the proposed Project site would not be constant throughout the day and all the equipment would not operate concurrently at the same location of the proposed Project construction-related area. The proposed Project would be developed within the 8-month construction period as the approved project and the nearest sensitive receptors (scattered rural residences) would be upwind of Project emissions.

Table 11 provides the prioritization scores for the proposed Project. These scores are based on an emission rate of 22.01 pounds per year of PM10 exhaust. The prioritization modeling outputs can be found in Attachment "B". As shown in **Table 11**, residences within 500 meters (i.e., 1,640 feet) would result in a prioritization score greater than 1 as allowed by the Air District.

[23] Air District, Prioritization Calculator, updated December 2022, accessed March 2023 at: valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls.

Table 11. Project Construction Prioritization Score		
Receptor Proximity (in meters)	**Unmitigated Max Score**	**Mitigated Max Score**
0 < R < 100	649	51
100 < R < 250	162	13
250 < R < 500	26	2
500 < R < 1,000	7	1
1,000 < R < 1,500	2	0
1,500 < R < 2,000	1	0
2,000 < R	1	0
Prioritization score is based on an annual emission rate of 22.01 pounds per year emission rate; see Attachment "A" for emission rate calculations and Attachment "B" for prioritization screening results.		

To quantify the maximum prioritization score, the receptor proximity is based on the distance between the center of the proposed Project construction-related area and the nearest sensitive receptor. The nearest receptors are within approximately 47 meters (i.e., 150 feet) of the southern development boundary. Using the Air District's prioritization tool, annual emission rate of 22.01 pounds per year of PM10 exhaust, and a receptor proximity distance of 47 meters (150 feet), the proposed Project would obtain a score of 649, which would exceed the Air District's allowed screening score 1. Therefore, emissions from construction-related activities of the proposed Project could potentially expose nearby sensitive receptor to DPM concentrations that could result in a significant health risk. Implementation of Mitigation Measure **AQ-1**, would reduce the max score by requiring the proposed Project applicant to use Tier 4 engines (or retrofit technology if Tier 4 engines are unavailable) for off-road construction equipment during all construction-related activities. Tier 4 engines use advanced engine controls and sensors that significantly reduce engine emissions hydrocarbons (HC), NOx, CO and PM. As demonstrated in **Table 11**, the use of Tier 4 engines would reduce DPM emissions generated by off-road equipment to a max score to 51, which still exceeds the Air District's allowed screening score.

As previously noted, the operation of each piece of equipment within the proposed Project site would not be constant throughout the day and all the equipment would not operate concurrently at the same location of the proposed Project construction-related area. The prioritization screening tool assumes a 70-year exposure and as such, is likely to overestimate potential health risks as Project-related construction activities will be completed within eight (8) months (or 1% of the exposure time utilized by the tool). Although the Project is not expected to result in significant health risk to the nearby receptors due to the temporary and intermittent nature of construction activities, a condition of approval requiring the Project applicant to consult with the Air District and obtain a refined analysis will be incorporated into the Project. Results of this analysis shall be provided to Tulare County Resource Management Agency's Planning Division prior to Project approval. Therefore, with implementation of **Mitigation Measure AQ-1** and implementation of the condition of approval, Project construction-related activities would result in less than significant health risks. As such, *Less Than Significant Project-specific Impacts With Mitigation* related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Air Basin. The Project would be considered to have a significant cumulative impact on air quality if Project-specific impacts are determined to be significant. **Mitigation Measure 3-1** will reduce particulate matter emissions, including DPM emissions, to the extent feasible. A condition of approval requiring the submittal of a

refined risk analysis demonstrating that the Project will not result in significant health risks to nearby receptors will be incorporated into the Project. As Project-specific impacts will be reduced to a less than significant level, the Project will result in a *Less Than Significant Cumulative Impact* related to this Checklist Item.

Mitigation Measures: ***See Mitigation Measure 3-1***

3-1. Engine Standards for Off-Road Equipment. In order to reduce the impact of off-road equipment exhaust emissions during construction-related activities, applicant shall ensure that construction contracts stipulate that all off-road diesel-powered equipment used will be equipped with USEPA Tier 4 or cleaner engines, except for specialized equipment in which an USEPA Tier 4 engine is not available. In lieu of Tier 4 engines, project equipment can incorporate retrofits such that emissions reductions achieved equal to that of the Tier 4 engines at a minimum. The construction contractor shall submit a detailed list of the equipment fleet that demonstrates achievement of this mitigation measure to Tulare County Resource Management Agency Planning Branch for approval prior to receiving Notice to Proceed.

Conclusion: ***Less Than Significant Impact With Mitigation***

Although the prioritization score exceeds the Air District's allowed score of 1, the Project is not expected to result in significant health risk to the nearby receptors. A condition of approval requiring the Project applicant to consult with the Air District and obtain a refined analysis will be incorporated into the Project. Therefore, with implementation of **Mitigation Measure AQ-1** and implementation of the condition of approval, Project-related activities would result in less than significant health risks. As such, *Less Than Significant Impacts With Mitigation* related to this Checklist Item will occur

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

Project Impact Analysis: ***Less Than Significant Impact***

The facility itself is not a source of odorous emissions and maintenance and panel cleaning activities would not create odorous emissions. Construction-related activities would include fuels and other odor sources (such as diesel-fueled equipment) that could result in the creation of objectionable odors. Since construction-related activities would be short-term, temporary, and spatially dispersed (i.e., intermittent), and will occur in a predominantly rural area, these activities would not affect a substantial number of people. *Less Than Significant Project-specific Impacts* related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project would be considered to have a significant cumulative impact on air quality if Project-specific impacts are determined to be significant. As Project-specific impacts will be less than significant, there will be *Less Than Significant Cumulative Impacts* related to this Checklist Item

Mitigation Measures: ***None Required***

Conclusion: ***Less Than Significant Impact***

The Project is not a source of nuisance odors. As such, the Project will not expose a substantial number of people to objectionable odors. Therefore, *Less Than Significant Project-specific and Cumulative Impacts* related to this Checklist Item will occur.

GREENHOUSE GAS IMPACTS

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

Project Impact Analysis: ***Less Than Significant Impact***

The Air District has determined that projects consistent with an adopted Climate Action Plan (CAP) would be considered to have a less than significant impact on the environment. The Tulare County CAP serves as a guiding document for County actions to reduce GHG emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the Tulare County General Plan 2030 Update (General Plan) which provides the supporting framework for development in the County. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The General Plan fulfills many sustainability and GHG reduction objectives at the program level. The CAP identifies the County's fair share of reductions required to maintain consistency with the State's 2030 reductions target.

The CAP thresholds for determining consistency with the CAP are 500 dwelling units, 100,000 square feet of retail, or equivalent intensity for other uses. These thresholds are the amounts currently required from development related sources within the County to demonstrate consistency with SB 32 2030 targets As the CAP implements the County's strategy to achieve the State's 2030 reduction targets, projects below the consistency thresholds have been determined to be consistent with the State's targets and do not require GHG emissions quantification.. The proposed Project will generate approximately 500 vehicle trips annually (1.92 average daily trips), which is less intense than the threshold requiring GHG emissions quantification. However, for disclosure purposes, Project construction- and operation-related GHG emissions are provided in **Table 12**.

Table 12 Project GHG Emissions

Project Phase	**CO_{2e} (metric tons per year)**
Construction	762
Operation[1]	6
Decommissioning	762
Project Total	1,530
Annual Displacement	-28,237
Annual Net Emissions	-26,707

Source: Attachment "A" of this memo.

The proposed Project is a revision to the previously approved project (PSP 20-068) and development of the Project sites will be similar to that previously approved. The relocation of the Project site will result in fewer acres disturbed during construction, with fewer modules to be installed and no need for new power lines. However, as the proposed Project will generate the same energy output as the previously approved project, it is assumed that overall net GHG emissions will remain as previously assessed.

The electricity generated during the operation of the Project would be added to the power grid and displace electricity generated from fossil fuels. As this Project is a renewable energy project, it will result in a benefit as it will reduce GHG emissions typically generated by other energy producers. As shown in **Table 12**, the annual net GHG emission reductions is 26,707 metric tons per year. Due to the volume of emissions displaced, the GHG emissions generated during construction-related activities will be nullified when the Project is fully operational. As such, the Project would result in a *Less Than Significant Project-specific Impac*t to this resource.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the Tulare County, the San Joaquin Valley Air Basin, and the State of California. Project-related GHG emissions would be considered to have a significant cumulative impact if project-specific impacts are determined to be significant. Construction equipment and vehicle trips associated with the construction, operation and decommission of the proposed Project will generate approximately 1,530 metric tons of GHG emission per year; however, the Project will also displace approximately 28,237 metric tons of GHG emission per year, resulting in an overall reduction in GHG emissions. Therefore, the Project would not generate GHG emissions that would have a significant impact on the environment. *Less Than Significant Cumulative Impacts* related to this Checklist Item will occur

Mitigation Measures: ***None Required***

Conclusion: ***Less Than Significant Impact***

As previously noted, the Project is consistent with the Tulare County CAP and assists the State in achieving its reduction targets established in the State's Scoping Plan. As such, the Project would not generate GHG emissions that would have a significant impact on the environment. *Less Than Significant Project-specific and Cumulative Impacts* related to this Checklist Item will occur.

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

Impact Analysis: ***Less Than Significant Impact***

As the Project is located within unincorporated Tulare County, the most applicable GHG plan is the Tulare County CAP. The CAP is a strategic planning document that identifies sources of GHG emissions within the County, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic policies and actions to reduce emissions from the development project subject to CEQA. The CAP builds on the General Plan's framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The proposed Project will generate approximately 500 vehicle trips annually (1.92 average daily trips), which is less intense than the CAP consistency threshold. As such, the Project is consistent with the CAP. Furthermore, the Project would produce a new renewable source of energy in Tulare County and directly supports the State's target of increasing California's procurement of electricity from renewable sources from 50 percent to 60 percent by 2030. Therefore, *Less Than Significant Project-specific Impacts* related to this Checklist Item will occur.

Mitigation Measures: ***None Required***

Cumulative Impact: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County, the San Joaquin Valley Air Basin, and the State of California. As previously noted, the proposed Project is consistent with the Tulare County Climate Action Plan and the reduction goals identified in the State's Scoping Plans. Furthermore, the Project will result in a reduction of 26,707 metric tons of GHG emissions annually. Therefore, the proposed Project does not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emission. *Less Than Significant Cumulative Impacts* related to this Checklist Item will occur.

Conclusion:

The proposed Project does not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emission. Rather, the Project directly support the State's procurement goals from renewable resources. As such, *Less Than Significant Project-specific and Cumulative Impacts* related to this Checklist Item will occur.

.

ATTACHMENT "A"

Tulare 40 Generation Facility (PSP 23-012) Emissions Summary Tables

Table 1. Project Design Comparison

Project Element	Coldwell[1] (PSP 20-068)	Coldwell[2] (PSP 23-012)	Difference	Percent Difference
Project Size (acres)	237	160	-77	-32%
Energy Production (MW)	40.0	40.0	0	0%
Modules (each)	129,000	68,040	-60,960	-47%
Inverter Stations (each)	12	9	-3	-25%
Substation (each)	2	1	-1	-50%
Battery Storage (MW)	5	20	15	300%
Power Lines (miles)	5.4	0.0	-5	-100%
Access Roads (linear feet)	43,000	37,000	-6,000	-14%
Construction (total months)	8	8	0	0%
Panel Cleaning (days/year)	20	20	0	0%
Security / Maintenance (days/year)	260	260	0	0%

Sources:
1. Project and Operations Description included as Attachment "D" of the MND for PSP 23-012.
2. Revised Project and Operations Description included in the MND for PSP 23-012.

Table 2. Project Construction Criteria Pollutant Emissions (Tons Per Year)

		ROG	NOx	CO	SO2	Total PM10	Total PM2.5
Coldwell (PSP 20-068) [1]	unmitigated	0.4419	4.9470	3.4152	0.0085	0.4470	0.2830
	mitigated	0.1425	2.9964	4.0320	0.0085	0.2566	0.1073
Coldwell (PSP 23-012) [2]	unmitigated	0.3005	3.3639	2.3224	0.0057	0.3040	0.1924
	mitigated	0.0969	2.0376	2.7417	0.0057	0.1745	0.0729

1. Emissions from the analysis included as Attachment "A" of the MND for PSP 20-068.
2. Development area is 32% smaller than the original project; emissions are assumed to be 68% of those assessed in the original analysis.

Table 3. Project Operation Criteria Pollutant Emissions (Tons Per Year)

		ROG	NOx	CO	SO2	Total PM10	Total PM2.5
Coldwell (PSP 20-068) [1]	unmitigated	0.0016	0.0049	0.0260	7.1500E-05	0.0068	0.0019
	mitigated	0.0016	0.0049	0.0260	7.1500E-05	0.0068	0.0019
Coldwell (PSP 23-012) [2]	unmitigated	0.0014	0.0042	0.0224	6.1490E-05	0.0059	0.0016
	mitigated	0.0014	0.0042	0.0224	6.1490E-05	0.0059	0.0016

1. Source: Emissions analysis included as Attachment "A" of the MND for PSP 23-012.
2. Operational area (access roads) is 14% smaller than the original project; emissions are assumed to be 86% of those assessed in the original analysis.

Table 4. Project Daily Criteria Pollutant Emissions (pounds/day)

(unmitigated)	ROG	NOx	CO	SO2	Total PM10	Total PM2.5
Construction	3.4145	38.2265	26.3904	6.5295E-02	3.4541	2.1869
Operations	0.0108	0.0322	0.1720	4.7300E-04	0.0452	0.0123
Total	3.4252	38.2587	26.5624	6.5768E-02	3.4993	2.1992

Construction emissions based on 176 days of construction (22 work days/month x 8 months)
Operational emissions based on 260 work days per year (5 work days/week x 52 weeks/year).

Table 5. DPM (PM10 Exhaust) Emissions Rate

		equip. hrs.	tons/yr	lb/yr	lb/hr
Coldwell	unmitigated	17,042	0.20657	413.1400	0.0158
(PSP 20-068) [1]	mitigated	17,042	0.016185	32.3700	0.0012
Coldwell	unmitigated	11,589	0.1405	280.9352	0.0107
(PSP 23-012) [2]	mitigated	11,589	0.0110	22.0116	0.0008

Table 6. Prioritization Screening

	Coldwell (PSP 20-068)		Coldwell (PSP 23-012)	
	Unmitigated	Mitigated	Unmitigated	Mitigated
0<R<100	1100	86	649	51
100<R<250	275	22	162	13
250<R<500	44	3	26	2
500<R<1,000	12	0	7	1
1000<R<1500	3	0	2	0
1500<R<2000	2	0	1	0
2000<R	1	0	1	0

Table 7. GHG (CO2e) Emissions (metric tons)

		Construction	Operation	Decommissioning	Total	Displacement	Net
Coldwell	unmitigated	762	6	762	1,530	-28,237	-26,707
(PSP 20-068) [1]	mitigated	762	6	762	1,530	-28,237	-26,707

ATTACHMENT "B"

Tulare 40 Generation Facility (PSP 23-012) Prioritization Tables

Name | **Prioritization Calculator**

Applicability	Use to provide a Prioritization score based on the emission potency method. Entries required in yellow areas, output in gray areas.		
Author or updater	Matthew Cegielski	*Last Update*	December 1, 2022
Facility:	PSP 23-012		
ID#:	unmitigated		
Project #:			
Unit and Process#	1-0 p1		
Operating Hours hr/yr	11,589.00		

Receptor Proximity and Proximity Factors		Cancer Score	Chronic Score	Acute Score	Max Score
0< R<100	**1.000**	6.49E+02	7.27E-01	0.00E+00	6.49E+02
100≤R<250	**0.250**	1.62E+02	1.82E-01	0.00E+00	1.62E+02
250≤R<500	**0.040**	2.60E+01	2.91E-02	0.00E+00	2.60E+01
500≤R<1000	**0.011**	7.14E+00	8.00E-03	0.00E+00	7.14E+00
1000≤R<1500	**0.003**	1.95E+00	2.18E-03	0.00E+00	1.95E+00
1500≤R<2000	**0.002**	1.30E+00	1.45E-03	0.00E+00	1.30E+00
2000<R	**0.001**	6.49E-01	7.27E-04	0.00E+00	6.49E-01

Receptor proximity is in meters. Priortization scores are calculated by multiplying the total scores summed below by the proximity factors. Record the Max score for your receptor distance. If the substance list for the unit is longer than the number of rows here or if there are multiple processes use additional worksheets and sum the totals of the Max Scores.

Use the substance dropdown list in the CAS# Finder to locate CAS# of substances.

Substance	CAS# Finder
Diesel engine exhaust, particulate matter (Diesel PM)	9901

1-0 p1

Enter the unit's CAS# of the substances emitted and their amounts.

Prioritzation score for each substance generated below. Totals on last row.

Substance	**CAS#**	**MW Correction**	**Annual Emissions (lbs/yr)**	**Maximum Hourly (lbs/hr)**	**Corrected Annual Emissions (lbs/yr)**	**Corrected Maximum Hourly (lbs/hr)**	**Average Hourly (lbs/hr)**	**Cancer**	**Chronic**	**Acute**
Diesel engine exhaust, particulate matter (Diesel PM)	**9901**	**1.0000**	2.81E+02	1.07E-02	2.81E+02	1.07E-02	2.42E-02	6.49E+02	7.27E-01	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
							Totals	**6.49E+02**	**7.27E-01**	**0.00E+00**

Name

Prioritization Calculator

Applicability	Use to provide a Prioritization score based on the emission potency method. Entries required in yellow areas, output in gray areas.			
Author or updater	Matthew Cegielski	*Last Update*	December 1, 2022	
Facility:	PSP 23-012			
ID#:	mitigated			
Project #:				
Unit and Process#	1-0 p1			
Operating Hours hr/yr	11,589.00			

Receptor Proximity and Proximity Factors		Cancer Score	Chronic Score	Acute Score	Max Score
0< R<100	**1.000**	5.09E+01	5.70E-02	0.00E+00	5.09E+01
100≤R<250	**0.250**	1.27E+01	1.42E-02	0.00E+00	1.27E+01
250≤R<500	**0.040**	2.03E+00	2.28E-03	0.00E+00	2.03E+00
500≤R<1000	**0.011**	5.59E-01	6.27E-04	0.00E+00	5.59E-01
1000≤R<1500	**0.003**	1.53E-01	1.71E-04	0.00E+00	1.53E-01
1500≤R<2000	**0.002**	1.02E-01	1.14E-04	0.00E+00	1.02E-01
2000<R	**0.001**	5.09E-02	5.70E-05	0.00E+00	5.09E-02

Receptor proximity is in meters. Priortization scores are calculated by multiplying the total scores summed below by the proximity factors. Record the Max score for your receptor distance. If the substance list for the unit is longer than the number of rows here or if there are multiple processes use additional worksheets and sum the totals of the Max Scores.

Use the substance dropdown list in the CAS# Finder to locate CAS# of substances.

Substance	CAS# Finder
Diesel engine exhaust, particulate matter (Diesel PM)	9901

1-0 p1

Enter the unit's CAS# of the substances emitted and their amounts.

Prioritzation score for each substance generated below. Totals on last row.

Substance	CAS#	MW Correction	Annual Emissions (lbs/yr)	Maximum Hourly (lbs/hr)	Corrected Annual Emissions (lbs/yr)	Corrected Maximum Hourly (lbs/hr)	Average Hourly (lbs/hr)	Cancer	Chronic	Acute
Diesel engine exhaust, particulate matter (Diesel PM)	**9901**	**1.0000**	2.20E+01	8.00E-04	2.20E+01	8.00E-04	1.90E-03	5.09E+01	5.70E-02	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
		0.0000			0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00
							Totals	**5.09E+01**	**5.70E-02**	**0.00E+00**

ATTACHMENT "C"

Tulare 40 Generation Facility (PSP 20-068) Emissions Summary Tables

Deer Creek Project Equipment Hours (diesel fuel)

Phase	# eqipment	hrs/day	days	total hours
Staging	1	7	5	35
	2	10	5	100
	1	7	5	35
	6	5	5	150
	8	5	5	200
	1	7	5	35
	1	7	5	35
	1	7	5	35
Site Grading	1	7	65	455
	3	2	65	390
	3	2	65	390
	1	7	65	455
	1	7	65	455
	1	7	65	455
	1	7	65	455
Access Road	1	8	65	520
	1	7	65	455
	1	7	65	455
Collection Line	2	2	47	188
	1	4	47	188
	1	7	47	329
	1	1	47	47
	2	2	47	188
	1	2	47	94
	3	7	47	987
Substation	2	4	60	480
	1	2	60	120
	1	4	60	240
	1	2	60	120
	1	2	60	120
	4	4	60	960
	4	2	60	480
Solar Array	5	4	152	3,040
	4	4	152	2,432
	7	4	152	4,256
	4	2	152	1,216
	8	3	152	3,648
	2	4	152	1,216
	1	1	152	152
	4	1	152	608
Total	**95**		**329**	**26,219**

Project Comparison

	Deer Creek	Angela		Coldwell	
Project Size (acres)	378	277	73%	237	63%
Construction (months)	12	9	75%	8	67%

Project Construction Criteria Pollutant Emissions (Tons Per Year)

		ROG	NOx	CO	SO2	Total PM10	Total PM2.5
Deer Creek	unmitigated	0.6798	7.6107	5.2542	0.0130	0.6877	0.4354
	mitigated	0.2192	4.6099	6.2030	0.0130	0.3948	0.1650
Angela	unmitigated	0.5099	5.7080	3.9407	0.0098	0.5158	0.3266
	mitigated	0.1644	3.4574	4.6523	0.0098	0.2961	0.1238
Coldwell	unmitigated	0.4419	4.9470	3.4152	0.0085	0.4470	0.2830
	mitigated	0.1425	2.9964	4.0320	0.0085	0.2566	0.1073

Project Operation Criteria Pollutant Emissions (Tons Per Year)

		ROG	NOx	CO	SO2	Total PM10	Total PM2.5
Deer Creek	unmitigated	0.0025	0.0075	0.0400	0.0001	0.0105	0.00286
	mitigated	0.0025	0.0075	0.0400	0.0001	0.0105	0.0029
Angela	unmitigated	0.0019	0.0056	0.0300	0.0001	0.0079	0.0021
	mitigated	0.0019	0.0056	0.0300	0.0001	0.0079	0.0021
Coldwell	unmitigated	0.0016	0.0049	0.0260	0.0001	0.0068	0.0019
	mitigated	0.0016	0.0049	0.0260	0.0001	0.0068	0.0019

DPM (PM10 Exhaust) Emissions Rate

		equip. hrs.	tons/yr	lb/yr	lb/hr
Deer Creek	unmitigated	26,219	0.3178	635.6000	0.0242
	mitigated	26,219	0.0249	49.8000	0.0019
Angela Solar	unmitigated	19,664	0.2384	476.7000	0.0242
	mitigated	19,664	0.0187	37.3500	0.0019
Coldwell	unmitigated	17,042	0.2066	413.1400	0.0158
	mitigated	17,042	0.0162	32.3700	0.0012

GHG (CO2e) Emissions (metric tons)

		Construction	Operation	Decommissioning	Total	Displacement	Net
Deer Creek	unmitigated	1,172	10	1,172	2,355	-43,442	-41,088
	mitigated	1,172	10	1,172	2,355	-43,442	-41,088
Angela Solar	unmitigated	879	7	879	1,766	-32,582	-30,816
	mitigated	879	7	879	1,766	-32,582	-30,816
Coldwell	unmitigated	762	6	762	1,530	-28,237	-26,707
	mitigated	762	6	762	1,530	-28,237	-26,707

ATTACHMENT "B"

Biological Evaluation Technical Memorandum

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

TECHNICAL MEMORANDUM
BIOLOGICAL SPECIES EVALUATION

DATE: March 02, 2023

TO: Hector Guerra, Chief Environmental Planner

FROM: Jessica Willis, Planner IV

SUBJECT: Coldwell Solar New Location (PSP 23-012 & CEQ 23-001)

PROJECT DESCRIPTION

The proposed Project site is in an unincorporated area of southern Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and abuts AVE 208 to the south, and Road 164 to the east. The Project site is addressed as 16398 Ave 208 Strathmore, CA 92267.The site is located within the United States Geological Survey (USGS) Visalia 7.5-minute quadrangle.

PROJECT LOCATION

The proposed Project is in an unincorporated area of southern Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and is west of Road 164. The Project site is addressed as 16398 Avenue208, Strathmore, CA. the proposed Project will be located on two separate properties/locations. The northern proposed Project development area is located approximately 0.50 miles north of the intersection of Avenue 208/Road 164. The southern proposed development area is located south of the intersection Avenue 208/Road 164 (immediately adjacent to and south and west of the SCE Bliss substation).
Assessor Parcel Number(s): 196-020-012
196-030-004

USGS 7.5-minute Quadrangle: Cairns Corner

Surrounding Quadrangles: Cairns Corner, Visalia, Exeter, Rocky Hill, Tulare, Lindsay, Tipton, Woodville, Porterville (see Attachment 1)

Public Land Survey System: Sections 23, 24, 25, & 26, Township 20 South, Range 25 East, Mount Diablo Base and Meridian

Latitude/Longitude: 36° 10’ 04.51” N / 119° 12’ 25.5” W

BIOLOGICAL SPECIES EVALUATION

The most recent California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB), RareFind 5 and Biogeographic Information and Observation System (BIOS) was

accessed between February 23, 2023.[1] These databases were utilized in the identification of the historic range of special status plant and animal species within the Project vicinity, evaluation of potential impacts on biological species, and determination of applicability of mitigation measures, if needed.

- *9-Quad Area:* The 9-quadrangle Project vicinity includes the Cairns Corner, Visalia, Exeter, Rocky Hill, Tulare, Lindsay, Tipton, Woodville, Porterville quadrangles (see Attachment 1). Review of BIOS indicates that there are 3 natural communities, 23 special status animal species, and 14 special status plant species recorded within the 9-quadrangle Project vicinity (see Attachment 2 for the full listing of species.

- *Project Quad:* The Project is located within the Cairns Corner quadrangle (see Attachment 3). Review of BIOS indicates that there are no natural communities, 4special status animal species, and 6 special status plant species recorded within the Visalia quadrangle Project vicinity (see Attachment 3 for the full listing of species.[2]

  Project Site and Vicinity: There are no special status plant or animal species, or natural community recorded within the Project site (see Attachment 1).

  *Project Site 1.5-mile buffer:*196-020-012 (on 153 acres of the northern portion) resulted in no special status species, given a 1.5-mile buffer. However, 196-030-004 (on approximately 160 acres of the southern portion) resulted in five special status plant species recorded with a 1.5-mile radius alkali Sink goldfield, Recurved larkspur, Lesser saltscale, Subtle orache, Earlimart orache and California alkali grass have been recorded within the 1.5-mile radius as of 2010 through 1998 (see Attachment 4). As such mitigation measures are warranted.

The following Mitigation Measures will be required prior to any construction-related activities to ensure the Project will have a less than significant impact on special status plant and animal species within the Project vicinity.

Pre-construction Surveys and Educations

BIO-1: ***(Pre-construction Survey – Special Status Plant Species)*** A qualified biologist/botanist will conduct pre-construction surveys for special status plant species in accordance with the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009). This protocol includes identification of reference populations to facilitate the likelihood of field investigation occurring during the appropriate floristic period. Surveys should be timed to coincide with flowering periods for species that could occur (March-May)..In the absence of protocol-level surveys being performed, additional surveys may be necessary.

- If special status plant species are not identified during pre-construction surveys, no further action is required.

[1] CDFW. CNDDB Maps and Data. https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data

[2] The Tulare Quadrangle is included in the list as the existing RV sales facility that is proposed for expansion is located in the Tulare quad south of the Project site.

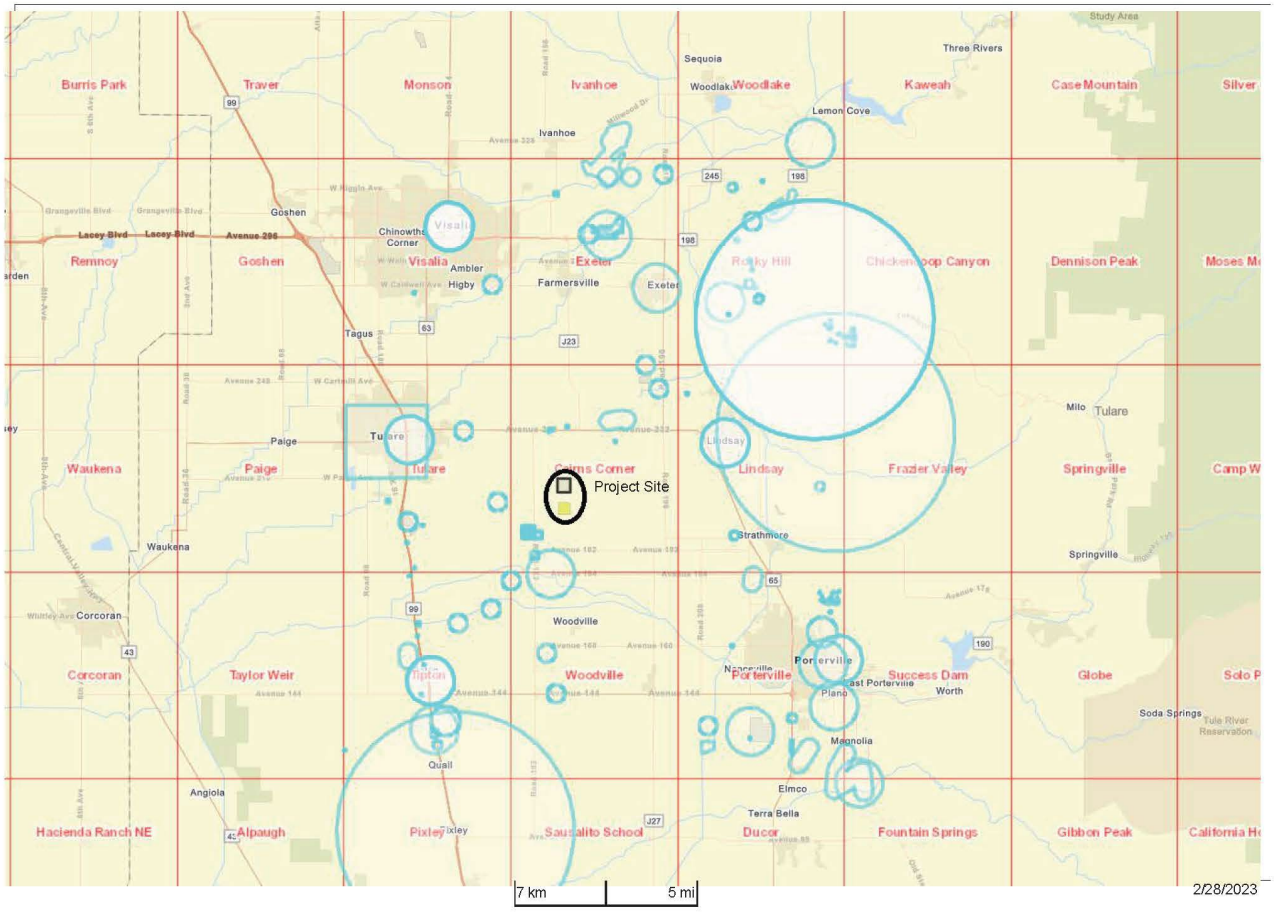
- •If special status plant species are detected during preconstruction surveys, plant population shall be avoided with the establishment of a minimum 50-foot no disturbance buffer from the outer edge of the plant population. If buffers cannot be maintained, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be contacted immediately to identify the appropriate minimization actions to be taken as appropriate for the species identified and to determine permitting needs.

BIO-2: ***(Pre-construction Survey – San Joaquin Kit Fox and Nesting Raptors/Migratory Birds)*** If Project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 30 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds save Swainson's hawk; the Swainson's hawk survey will extend to ½-mile outside of work area boundaries. If no nesting pairs are found within the survey area, no further mitigation is required.

BIO-3: ***(Employee Education Program***) Prior to the start of construction, the applicant shall retain a qualified biologist/botanist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the special status species that occur, or may occur, on the project site. This training will include a description of the species and its habitat needs; a report of the occurrence of the species in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation.

Attachment 1. 9-Quad Project Vicinity

Coldwell Solar New Location (BIOS Map)



Attachment 2. 9-Quad Project Vicinity Species List

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Cairns Corner (3611922) OR Visalia (3611933) OR Exeter (3611932) OR Rocky Hill (3611931) OR Tulare (3611923) OR Lindsay (3611921) OR Tipton (3611913) OR Woodville (3611912) OR Porterville (3611911))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali-sink goldfields *Lasthenia chrysantha*	PDAST5L030	None	None	G2	S2	1B.1
American badger *Taxidea taxus*	AMAJF04010	None	None	G5	S3	SSC
An andrenid bee *Andrena macswaini*	IIHYM35130	None	None	G2	S2	
blunt-nosed leopard lizard *Gambelia sila*	ARACF07010	Endangered	Endangered	G1	S1	FP
brittlescale *Atriplex depressa*	PDCHE042L0	None	None	G2	S2	1B.2
calico monkeyflower *Diplacus pictus*	PDSCR1B240	None	None	G2	S2	1B.2
California alkali grass *Puccinellia simplex*	PMPOA53110	None	None	G2	S2	1B.2
California jewelflower *Caulanthus californicus*	PDBRA31010	Endangered	Endangered	G1	S1	1B.1
California satintail *Imperata brevifolia*	PMPOA3D020	None	None	G3	S3	2B.1
Crotch bumble bee *Bombus crotchii*	IIHYM24480	None	Candidate Endangered	G2	S2	
Earlimart orache *Atriplex cordulata var. erecticaulis*	PDCHE042V0	None	None	G3T1	S1	1B.2
foothill yellow-legged frog - south Sierra DPS *Rana boylii pop. 5*	AAABH01055	Proposed Endangered	Endangered	G3T2	S2	
Great Valley Valley Oak Riparian Forest *Great Valley Valley Oak Riparian Forest*	CTT61430CA	None	None	G1	S1.1	
Hopping's blister beetle *Lytta hoppingi*	IICOL4C010	None	None	G1G2	S2	
lesser saltscale *Atriplex minuscula*	PDCHE042M0	None	None	G2	S2	1B.1
loggerhead shrike *Lanius ludovicianus*	ABPBR01030	None	None	G4	S4	SSC
molestan blister beetle *Lytta molesta*	IICOL4C030	None	None	G2	S2	
Moody's gnaphosid spider *Talanites moodyae*	ILARA98020	None	None	G1G2	S2S3	
Morrison's blister beetle *Lytta morrisoni*	IICOL4C040	None	None	G1G2	S2	

Government Version -- Dated February, 3 2023 -- Biogeographic Data Branch

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Report Printed on Thursday, February 23, 2023

Information Expires 8/3/2023

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Northern California legless lizard *Anniella pulchra*	ARACC01020	None	None	G3	S2S3	SSC
Northern Claypan Vernal Pool *Northern Claypan Vernal Pool*	CTT44120CA	None	None	G1	S1.1	
pallid bat *Antrozous pallidus*	AMACC10010	None	None	G4	S3	SSC
recurved larkspur *Delphinium recurvatum*	PDRAN0B1J0	None	None	G2?	S2?	1B.2
San Joaquin adobe sunburst *Pseudobahia peirsonii*	PDAST7P030	Threatened	Endangered	G1	S1	1B.1
San Joaquin kit fox *Vulpes macrotis mutica*	AMAJA03041	Endangered	Threatened	G4T2	S2	
San Joaquin Valley giant flower-loving fly *Rhaphiomidas trochilus*	IIDIP05010	None	None	G1	S1	
spiny-sepaled button-celery *Eryngium spinosepalum*	PDAPI0Z0Y0	None	None	G2	S2	1B.2
Springville clarkia *Clarkia springvillensis*	PDONA05120	Threatened	Endangered	G2	S2	1B.2
striped adobe-lily *Fritillaria striata*	PMLIL0V0K0	None	Threatened	G1	S1	1B.1
subtle orache *Atriplex subtilis*	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk *Buteo swainsoni*	ABNKC19070	None	Threatened	G5	S3	
Tipton kangaroo rat *Dipodomys nitratoides nitratoides*	AMAFD03152	Endangered	Endangered	G3T1T2	S1S2	
tricolored blackbird *Agelaius tricolor*	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	IICOL48011	Threatened	None	G3T2T3	S3	
Valley Sacaton Grassland *Valley Sacaton Grassland*	CTT42120CA	None	None	G1	S1.1	
vernal pool fairy shrimp *Branchinecta lynchi*	ICBRA03030	Threatened	None	G3	S3	
western mastiff bat *Eumops perotis californicus*	AMACD02011	None	None	G4G5T4	S3S4	SSC
western pond turtle *Emys marmorata*	ARAAD02030	None	None	G3G4	S3	SSC
western spadefoot *Spea hammondii*	AAABF02020	None	None	G2G3	S3S4	SSC
western yellow-billed cuckoo *Coccyzus americanus occidentalis*	ABNRB02022	Threatened	Endangered	G5T2T3	S1	

Record Count: 40

Attachment 3 - Cairns Corner Quads Species List

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Cairns Corner (3611922))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali-sink goldfields *Lasthenia chrysantha*	PDAST5L030	None	None	G2	S2	1B.1
California alkali grass *Puccinellia simplex*	PMPOA53110	None	None	G2	S2	1B.2
Earlimart orache *Atriplex cordulata var. erecticaulis*	PDCHE042V0	None	None	G3T1	S1	1B.2
lesser saltscale *Atriplex minuscula*	PDCHE042M0	None	None	G2	S2	1B.1
recurved larkspur *Delphinium recurvatum*	PDRAN0B1J0	None	None	G2?	S2?	1B.2
San Joaquin kit fox *Vulpes macrotis mutica*	AMAJA03041	Endangered	Threatened	G4T2	S2	
subtle orache *Atriplex subtilis*	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk *Buteo swainsoni*	ABNKC19070	None	Threatened	G5	S3	
Tipton kangaroo rat *Dipodomys nitratoides nitratoides*	AMAFD03152	Endangered	Endangered	G3T1T2	S1S2	
western spadefoot *Spea hammondii*	AAABF02020	None	None	G2G3	S3S4	SSC

Record Count: 10

Government Version -- Dated February, 3 2023 -- Biogeographic Data Branch

Report Printed on Thursday, February 23, 2023

Page 1 of 1

Information Expires 8/3/2023

Attachment 3 - Project Site and Vicinity List

OBJECTID	Scientific_Name	Common_Name	Element_Code	Occ_Number	MAPNDX	EONDX	Key_Quad_Code	Key_Quad_Name	Key_County_Code	Accuracy	Presence	Occ_Type	Occ_Rank	Sensitive	Site_Date	Elm_Date	Owner_Management	Federal_Status	State_Status	Global_Rank	State_Rank	Rare_Plant_Rank	CDFW_Status	Other_Status	Symbology	Taxon_Group	GlobalID
88502	Lasthenia chrysantha	alkali-sink goldfields	PDAST5L030	18	98721	118546	3611922	Cairns Corner	TUL	non-specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	19980325	19980325	TUL COUNTY	None	None	G2	S2	1B.1			803	Dicots	a0e44509-d937-4149-91bd-253b98bd3091
72864	Delphinium recurvatum	recurved larkspur	PDRAN0B1J0	82	98907	58418	3611922	Cairns Corner	TUL	non-specific area	Presumed Extant	Natural/Native occurrence	Good	N	20100430	20100430	TUL COUNTY	None	None	G2?	S2?	1B.2		BLM_S; SB_SBBG	103	Dicots	da83f19c-0d9c-480d-8c03-6e42643603df
98580	Atriplex minuscula	lesser saltscale	PDCHE042M0	32	B0726	56694	3611922	Cairns Corner	TUL	specific area	Presumed Extant	Natural/Native occurrence	Good	N	20100924	20100924	TUL COUNTY	None	None	G2	S2	1B.1		SB_CalBG/RSABG	102	Dicots	0cacf524-e8d8-4d2c-ba89-1dec0e61fc66
25904	Atriplex subtilis	subtle orache	PDCHE042T0	25	56674	56690	3611922	Cairns Corner	TUL	specific area	Presumed Extant	Natural/Native occurrence	Excellent	N	19990817	19990817	TUL COUNTY	None	None	G1	S1	1B.2			102	Dicots	e63e25b8-10aa-413a-bfdb-c1fb3968073d
88652	Atriplex cordulata var. erecticaulis	Earlimart orache	PDCHE042V0	20	B5725	66427	3611922	Cairns Corner	TUL	specific area	Presumed Extant	Natural/Native occurrence	Good	N	20100924	20100924	TUL COUNTY	None	None	G3T1	S1	1B.2			102	Dicots	447f7c97-5400-4b29-9e13-4b2e3c947086
72582	Puccinellia simplex	California alkali grass	PMPOA53110	34	98721	100188	3611922	Cairns Corner	TUL	non-specific area	Presumed Extant	Natural/Native occurrence	Unknown	N	19980325	19980325	TUL COUNTY	None	None	G2	S2	1B.2		BLM_S	803	Monocots	4728ac78-33f8-4b8b-be39-f39670362e41

ATTACHMENT "C"

Cultural and Tribal Cultural Resources

California Historical Resources Information System

Fresno
Kern
Kings
Madera
Tulare

Southern San Joaquin Valley Information Center
California State University, Bakersfield
Mail Stop: 72 DOB
9001 Stockdale Highway
Bakersfield, California 93311-1022
(661) 654-2289
E-mail: ssjvic@csub.edu
Website: www.csub.edu/ssjvic

To: Hector Guerra
Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Record Search 23-089

Date: March 20, 2023

Re: Tulare 40 Generation Facility Project (PSP 23-012)

County: Tulare

Map(s): Carins Corner 7.5'

CULTURAL RESOURCES RECORDS SEARCH

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, the OHP Built Environment Resources Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area.

PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there has been no previous cultural resource studies completed within the project area. There has been one cultural resource study conducted within the one-half mile radius: TU-01764.

KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there are no recorded resource within the project area, and it is not known if any exit there. There are two recorded resources within the one-half mile radius, P-54-004622 and P-54-004832. These resources are an historic era canal and an historic era transmission line, respectively.

Resource P-54-004832, the Big Creek East and West Transmission line, is contributing element of the Big Creek Hydroelectric System Historic District. The Big Creek Hydroelectric System Historic District has been given a National Register status code of 1S, indicating this property has been listed in the National Register of Historic Places by the Keeper. It is also listed in the California Register of Historical Resources. There are no other recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, for the California State Historic Landmarks.

COMMENTS AND RECOMMENDATIONS

We understand this project consists of the construction and operation of the Tulare 40 Generation Facility, an approximate 40-megawatt solar generation facility on two parcels. Further, we understand this area of land is currently designated as agricultural land. Please note that agriculture does not constitute previous development, as it does not destroy cultural resources, but merely moves them around within the plow zone. Because this project area has not been previously studied for cultural resources, it is unknown if any are present. As such, prior to ground disturbance activities, we recommend a qualified, professional consultant conduct a field survey to determine if cultural resources are present. A list of qualified consultants can be found at www.chrisinfo.org.

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission can consult their "Sacred Lands Inventory" file to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:

Celeste M. Thomson, Coordinator **Date**: March 20, 2023

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

March 20, 2023

Jessica Willis
Tulare County Resource Management Agency

Via Email to: jwillis@tularecounty.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Tulare 40 Generation Facility Project (PSP 23-012), Tulare County

Dear Ms. Willis:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

  All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Cameron.vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Tribal Consultation List
Tulare County
3/20/2023

Big Sandy Rancheria of Western Mono Indians
Elizabeth Kipp, Chairperson
P.O. Box 337 — Western Mono
Auberry, CA, 93602
Phone: (559) 374 - 0066
Fax: (559) 374-0055
lkipp@bsrnation.com

Dunlap Band of Mono Indians
Benjamin Charley, Chairman
P. O. Box 14 — Mono
Dunlap, CA, 93621
Phone: (559) 338 - 2545
ben.charley@yahoo.com

Kern Valley Indian Community
Robert Robinson, Chairperson
P.O. Box 1010 — Kawaiisu
Lake Isabella, CA, 93240 — Tubatulabal
Phone: (760) 378 - 2915 — Koso
bbutterbredt@gmail.com

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road — Mono
Clovis, CA, 93619
Phone: (559) 299 - 3729
rwgoode911@hotmail.com

Santa Rosa Rancheria Tachi Yokut Tribe
Leo Sisco, Chairperson
P.O. Box 8 — Southern Valley
Lemoore, CA, 93245 — Yokut
Phone: (559) 924 - 1278
Fax: (559) 924-3583

Tubatulabals of Kern Valley
Robert Gomez, Chairperson
P.O. Box 226 — Tubatulabal
Lake Isabella, CA, 93240
Phone: (760) 379 - 4590
Fax: (760) 379-4592

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589 — Yokut
Porterville, CA, 93258
Phone: (559) 781 - 4271
Fax: (559) 781-4610
neil.peyron@tulerivertribe-nsn.gov

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct. — Foothill Yokut
Salinas, CA, 93906 — Mono
Phone: (831) 443 - 9702
kwood8934@aol.com

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Tulare 40 Generation Facility Project (PSP 23-012), Tulare County.

TRIBAL CONSULTATION NOTICE AND TRACKING TABLE

Tulare 40 Generation Facility Project (PSP 23-012)

TRIBE CONTACTED	REQUEST TYPE			ITEMS & DOCUMENTS SUBMITTED					DELIVERY METHOD		CONSULTATION PERIOD		CONSULTATION / ACTIONS
	AB 52	SB 18	Sec 106	Project Notification Form/Letter	Maps	SLF Search Results	CHRIS Results	Other	E-mail	Certified US Mail	Return Receipt	Period Ends	Summary
SACRED LAND FILE (SLF) REQUEST													
Native American Heritage Commission NAHC@nahc.ca.gov	X			X	X			Search Request Form	3/2/23				3/20/23, SLF results letter and tribal listing received with Negative results
CONSULTATION REQUEST LETTERS													
Big Sandy Rancheria of Western Mono Indians Elizabeth D. Kipp, Chairperson PO. Box 337 Auberry, CA 93602 lkipp@bsrnnation.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0232	3/07/23	04/06/23	
Dunlap Band of Mono Indians Benjamin Charley Jr., Tribal Chair P.O. Box 14 Dunlap, CA 93621 ben.charley@yahoo.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0454	03/04/23	04/03/23	B.alcantar 03/23/23 as of today according to USPS the package is still in transit since 03/07/23. D. Charley has responded with no comment for Dunlap Band of Mono Indians
Dunlap Band of Mono Indians Dirk Charley, Tribal Secretary 5509 E. McKenzie Avenue Fresno, CA 93727 dcharley2016@gmail.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0478	03/04/23	04/03/23	3/20/23- D. Charley called and left message. Dunlap Band of Mono Indians will not submit any comments and will request tribal consult. Recommended RMA to contact Santa Rosa Rancheria Tachi Yokut Tribe or Tule River Indian Tribe.
Kern Valley Indian Tribe Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0249	03/17/23	04/16/23	
Kern Valley Indian Community Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240 meindiangirl@sbcglobal.net	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0461	03/17/23	04/16/23	
Kern Valley Indian Community Brandi Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com	X			X	X				3/3/23				

TRIBAL CONSULTATION NOTICE AND TRACKING TABLE

Tulare 40 Generation Facility Project (PSP 23-012)

TRIBE CONTACTED	REQUEST TYPE			ITEMS & DOCUMENTS SUBMITTED					DELIVERY METHOD		CONSULTATION PERIOD		CONSULTATION / ACTIONS
	AB 52	SB 18	Sec 106	Project Notification Form/Letter	Maps	SLF Search Results	CHRIS Results	Other	E-mail	Certified US Mail	Return Receipt	Period Ends	Summary
North Fork Mono Tribe Ron Goode, Chairperson 13396 Tollhouse Road Clovis, CA 93619 rwgoode911@hotmail.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0485	3/04/23	4/03/23	
Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson 16835 Alkali Drive Lemoore, CA 93245 LSisco@tachi-yokut-nsn.gov	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0447	3/6/23	4/05/23	
Santa Rosa Rancheria Cultural Department Shana Powers, Director 16835 Alkali Drive Lemoore, CA 93245 SPowers@tachi-yokut-nsn.gov	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0430	3/06/23	4/05/23	
Santa Rosa Rancheria Cultural Department Staff Samantha McCarty SMcCarty@tachi-yokut-nsn.gov Paige Berggren PBerggren@tachi-yokut-nsn.gov	X			X	X				3/3/23				
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 833 Weldon, CA 93283-0833 rgomez@tubatulabal.org	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0423	3/07/23	4/6/23	
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0416	3/04/23	4/3/23	
Tule River Indian Tribe Dept. of Environmental Protection Kerri Vera, Director P. O. Box 589 Porterville, CA 93258 tuleriverenv@yahoo.com keri.vera@tulerivertribe-nsn.gov	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0256	3/04/23	4/3/23	

TRIBAL CONSULTATION NOTICE AND TRACKING TABLE

Tulare 40 Generation Facility Project (PSP 23-012)

TRIBE CONTACTED	REQUEST TYPE			ITEMS & DOCUMENTS SUBMITTED					DELIVERY METHOD		CONSULTATION PERIOD		CONSULTATION / ACTIONS
	AB 52	SB 18	Sec 106	Project Notification Form/Letter	Maps	SLF Search Results	CHRIS Results	Other	E-mail	Certified US Mail	Return Receipt	Period Ends	Summary
Tule River Indian Tribe Joey Garfield, Tribal Archaeologist P. O. Box 589 Porterville, CA 93258 joey.garfield@tulerivertribe-nsn.gov													
Tule River Indian Tribe Felix Christman, Council Member P. O. Box 589 Porterville, CA 93258 tuleriverarchmon1@gmail.com felix.christman@tulerivertribe-nsn.gov	X			X	X				3/3/23				
Wuksache Indian Tribe/ Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 kwood8934@aol.com	X			X	X				3/3/23	3/2/23 7020 2450 0001 9281 0263	03/04/23	04/03/23	

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Big Sandy Rancheria of Western Mono Indians
Elizabeth D. Kipp, Chairperson
PO. Box 337
Auberry, CA 93602

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Kipp,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on the CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine; and
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historical Resources including historic or prehistoric ruins and any burial ground, archaeological, or historic site.

In accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), the County of Tulare Resource Management Agency (RMA) will be preparing a Mitigated Negative Declaration (MND) to evaluate the environmental effects associated with the Project.

Sacred Lands File Search

The County requested a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC) on March 2, 2023, for the Tulare 40 Generation Facility Project. Results of the SLF search will be made available upon the release of the MND for public review. However, the results may be made available to your Tribal Representatives if a written request for consultation (email is acceptable) is submitted to the County within thirty (30) days of receipt of this letter.

California Historical Resources Information System

A California Historical Resources Information System (CHRIS) search for the project area will be requested through the Southern San Joaquin Valley Information Center (SSJVIC). The results of the CHRIS search may be made available to your Tribal Representatives if a written request for consultation (email is acceptable) is received within thirty (30 days of receipt of this letter. As such, the County is requesting consultation with your Tribe to determine whether a Cultural Resources Study will be required. Should the County not receive a response to this request within thirty (30) days of receipt of this letter, it will be presumed that there are no cultural resources of concern and a Cultural Resources Study will not be required.

Request for Consultation

If your Tribe desires to consult with the County on the review of this project, please respond in writing within thirty (30) days regarding AB 52. Written correspondence can be mailed to the address provided above or e-mailed to the addresses provided below.

If the County does not receive a response to this notification, it will be presumed that your Tribe has declined the opportunity to consult on this project pursuant to AB 52. However, if your Tribe does not wish to consult pursuant to AB 52, an email indication such is appreciated.

Thank you for your consideration on this matter and please do not hesitate to contact me by phone or e-mail should you have any questions or need additional information. If you need immediate assistance and I am unavailable, please contact, Hector Guerra, Chief of Environmental Planning, by phone at (559) 624-7121, or by email at hguerra@tularecounty.ca.gov.

Sincerely,

Jessica R. Willis

Jessica Willis
Planner IV
(559) 624-7121
jwillis@tularecounty.ca.gov

Attachment(s): AB 52 Project Notification and Tribal Consultation Request

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Dunlap Band of Mono Indians
Benjamin Charley Jr., Tribal Chair
P.O. Box 14
Dunlap, CA 93621

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Charley,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine; and
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historical Resources including historic or prehistoric ruins and any burial ground, archaeological, or historic site.

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Sincerely,

Jessica R. Willis

Jessica Willis
Planner IV
(559) 624-7121
jwillis@tularecounty.ca.gov

Attachment(s): AB 52 Project Notification and Tribal Consultation Request

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Dunlap Band of Mono Indians
Dirk Charley, Tribal Secretary
5509 E. McKenzie Avenue
Fresno, CA 93727

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Mr. Charley,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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Sincerely,

Jessica R. Willis

Jessica Willis
Planner IV
(559) 624-7121
jwillis@tularecounty.ca.gov

Attachment(s): AB 52 Project Notification and Tribal Consultation Request

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Kern Valley Indian Tribe
Robert Robinson, Co-Chairperson
P.O. Box 1010
Lake Isabella, CA 93240

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Robinson,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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Planner IV
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jwillis@tularecounty.ca.gov

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Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Kern Valley Indian Community
Julie Turner, Secretary
P. Box 1010
Lake Isabella, CA 93240

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Ms. Turner,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road
Clovis, CA 93619

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Goode,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Santa Rosa Rancheria Cultural Department
Shana Powers, Director
16835 Alkali Drive
Lemoore, CA 93245

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Ms. Powers,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Santa Rosa Rancheria Tachi Yokut Tribe
Leo Sisco, Chairperson
16835 Alkali Drive
Lemoore, CA 93245

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Sisco,

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Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Chairperson
P.O. Box 833
Weldon, CA 93283-0833

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Gomez,

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REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Tule River Indian Tribe
Neil Peyron, Chairperson
P. O. Box 589
Porterville, CA 93258

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Peyron,

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REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Tule River Indian Tribe
Dept. of Environmental Protection
Kerri Vera, Director
P. O. Box 589
Porterville, CA 93258

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Ms. Vera,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine; and
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historical Resources including historic or prehistoric ruins and any burial ground, archaeological, or historic site.

In accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), the County of Tulare Resource Management Agency (RMA) will be preparing a Mitigated Negative Declaration (MND) to evaluate the environmental effects associated with the Project.

Sacred Lands File Search

The County requested a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC) on March 2, 2023, for the Tulare 40 Generation Facility Project. Results of the SLF search will be made available upon the release of the MND for public review. However, the results may be made available to your Tribal Representatives if a written request for consultation (email is acceptable) is submitted to the County within thirty (30) days of receipt of this letter.

California Historical Resources Information System

A California Historical Resources Information System (CHRIS) search for the project area will be requested through the Southern San Joaquin Valley Information Center (SSJVIC). The results of the CHRIS search may be made available to your Tribal Representatives if a written request for consultation (email is acceptable) is received within thirty (30) days of receipt of this letter. As such, the County is requesting consultation with your Tribe to determine whether a Cultural Resources Study will be required. Should the County not receive a response to this request within thirty (30) days of receipt of this letter, it will be presumed that there are no cultural resources of concern and a Cultural Resources Study will not be required.

Request for Consultation

If your Tribe desires to consult with the County on the review of this project, please respond in writing within thirty (30) days regarding AB 52. Written correspondence can be mailed to the address provided above or e-mailed to the addresses provided below.

If the County does not receive a response to this notification, it will be presumed that your Tribe has declined the opportunity to consult on this project pursuant to AB 52. However, if your Tribe does not wish to consult pursuant to AB 52, and email indicating such is appreciated.

Thank you for your consideration on this matter and please do not hesitate to contact me by phone or e-mail should you have any questions or need additional information. If you need immediate assistance and I am unavailable, please contact, Hector Guerra, Chief of Environmental Planning, by phone at (559) 624-7121, or by email at hguerra@tularecounty.ca.gov.

Sincerely,

Jessica R. Willis

Jessica Willis
Planner IV
(559) 624-7121
jwillis@tularecounty.ca.gov

Attachment(s): AB 52 Project Notification and Tribal Consultation Request

RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 615-3002

Aaron R. Bock — Economic Development and Planning
Reed Schenke — Public Works
Sherman Dix — Fiscal Services

REED SCHENKE, DIRECTOR — MICHAEL WASHAM, ASSOCIATE DIRECTOR

March 2, 2023

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA 93906

RE: Project Notification and Consultation Request Pursuant to Assembly Bill (AB) 52 for the Tulare 40 Generation Facility Project (PSP 23-012)

Dear Chairperson Woodrow,

Pursuant to the provisions of AB 52, as the lead agency under the California Environmental Quality Act (CEQA), the County of Tulare hereby extends an invitation to consult on CEQA review of the Tulare 40 Generation Facility Project (PSP 23-012) in order to assist with identifying and/or preserving and/or mitigating project impacts to Native American cultural places including:

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Sincerely,

Jessica R. Willis

Jessica Willis
Planner IV
(559) 624-7121
jwillis@tularecounty.ca.gov

Attachment(s): AB 52 Project Notification and Tribal Consultation Request

From:	Danielle Folk
To:	Ben Charley; Dirk Charley
Cc:	Jessica R Willis; Hector Guerra
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:29:38 AM
Attachments:	Aerial View Coldwell Solar New Location #2.jpg Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_DBMI_DCharley.pdf Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf

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Good morning.

Pursuant to AB 52, please find attached the cover letter, Project Notification and Tribal Consultation Request form, project vicinity map, and project site plan maps for the Tulare 40 Generation Facility Project (PSP 23-012). The hard copies of these documents were sent to you via Certified Mail on Thursday 2, 2023.

Please feel free to contact me by phone or email if you would like to begin the consultation process. Also, if your tribe would like to decline the opportunity to consult or defer to another tribe, an email stating so would be greatly appreciated.

Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Robert Robinson (bbutterbredt@gmail.com); Julie Turner (meindiangirl@sbcglobal.net); Brandy Kendricks (krazykendricks@hotmail.com)
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:31:08 AM
Attachments:	Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Aerial View Coldwell Solar New Location #2.jpg Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_KVIT_Robinson.pdf

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Ron W. Goode
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:32:16 AM
Attachments:	Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_NFMT_Goode.pdf Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Aerial View Coldwell Solar New Location #2.jpg

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	lkipp@bsrnation.com
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:26:25 AM
Attachments:	Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_BSRWM_Kipp.pdf Aerial View Coldwell Solar New Location #2.jpg

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Leo Sisco (LSisco@tachi-yokut-nsn.gov); Shana Powers (SPowers@tachi-yokut-nsn.gov); Samantha McCarty; Paige Berggren
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:33:31 AM
Attachments:	Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_SRRTYT_Powers.pdf Aerial View Coldwell Solar New Location #2.jpg

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Robert L. Gomez (rgomez@tubatulabal.org)
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:34:24 AM
Attachments:	Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_TKV_Gomez.pdf Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Aerial View Coldwell Solar New Location #2.jpg

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Neil Peyron (neil.peyron@tulerivertribe-nsn.gov); Kerri Vera (tuleriverenv@yahoo.com); Felix Christman (tuleriverarchmon1@gmail.com)
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:35:43 AM
Attachments:	Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_TRIT_Vera.pdf Aerial View Coldwell Solar New Location #2.jpg

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Thank you.

Danielle Folk

Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

From:	Danielle Folk
To:	Ken Woodrow (Kwood8934@aol.com)
Cc:	Jessica R Willis
Subject:	AB 52 Project Notification- Tulare 40 Generation Facility Project (PSP 23-012)
Date:	Friday, March 3, 2023 11:36:35 AM
Attachments:	Coldwell Solar PSP 23-012_Tribal_AB52_Consultation_Letter_WIT_Woodrow.pdf Coldwell Solar PSP 23-012_Project Notification and Consult Request_AB52 .pdf Coldwell Solar PSP 23-012_site plan_scanned0001.pdf Coldwell Solar PSP 23-012_topo map_scanned0001.pdf Aerial View Coldwell Solar New Location #2.jpg

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Planner III
Tulare County Resource Management Agency
(559) 624-7029
Dfolk@tularecounty.ca.gov

ATTACHMENT "D"

Mitigation Monitoring and Report Program

MITIGATION MONITORING AND REPORTING PROGRAM

This Draft Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and based upon the findings of the Draft Mitigated Negative Declaration for Tulare 40 Generation Facility Project.

The CEQA Public Resources Code Section 21081.6 requires the Lead Agency decision making body is going to approve a project and certify the EIR that it also adopts a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The MMRP is to contain the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.

- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when and by whom compliance will be monitored and reported and to whom it will be report. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated.

- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon the recommendations by those responsible for the MMRP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

The following presents the Mitigation Measures identified for the proposed Project in this MND. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the MND.

The first column of the MMRP Table identifies the Mitigation Measure. The second column, "Timing/Frequency," identifies the time the Mitigation Measure should be initiated and identifies the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The third column, "Action Indicating Compliance," identifies the requirements of compliance with the Mitigation Measure. The fourth column, "Monitoring Agency," names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, "Person/Agency Conducting Monitoring/Reporting" names the party/agency/entity responsible for verification that the Mitigation Measure has been implemented. The last three columns will be used by the County of Tulare to ensure that individual Mitigation Measures have been complied with and monitored.

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
AIR QUALITY							
3-1. Engine Standards for Off-Road Equipment: In order to reduce the impact of off-road equipment exhaust emissions during construction-related activities, applicant shall ensure that construction contracts stipulate that all off-road diesel-powered equipment used will be equipped with USEPA Tier 4 or cleaner engines, except for specialized equipment in which an USEPA Tier 4 engine is not available. In lieu of Tier 4 engines, project equipment can incorporate retrofits such that emissions reductions achieved equal to that of the Tier 4 engines at a minimum. The construction contractor shall submit a detailed list of the equipment fleet that demonstrates achievement of this mitigation measure to Tulare County Resource Management Agency Planning Branch for approval prior to receiving Notice to Proceed.	Daily throughout the construction period.	Equipment and Usage Report submitted to Tulare County RMA once prior to start of construction and once after completion of construction.	County of Tulare.	Construction Manager.			
BIOLOGICAL RESOURCES							
4-1. Pre-construction Survey – Special Status Plant Species: A qualified biologist/botanist will conduct pre-construction surveys for special status plant species in accordance with the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009). This protocol includes identification of reference populations to facilitate the likelihood of field investigation occurring during the appropriate floristic period. Surveys should be	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Tulare County RMA.	Field Survey and Report submitted to Tulare County RMA prior to construction.	County of Tulare.	Qualified Biologist.			

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
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timed to coincide with flowering periods for species that could occur (March-May). In the absence of protocol-level surveys being performed, additional surveys may be necessary. • If special status plant species are not identified during pre-construction surveys, no further action is required. • If special status plant species are detected during preconstruction surveys, plant population shall be avoided with the establishment of a minimum 50-foot no disturbance buffer from the outer edge of the plant population. If buffers cannot be maintained, the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be contacted immediately to identify the appropriate minimization actions to be taken as appropriate for the species identified and to determine permitting needs.							
4-2. Pre-construction Survey – San Joaquin Kit Fox and Nesting Raptors/Migratory Birds: A qualified biologist will conduct pre-construction surveys during the appropriate periods for special status animal species in accordance with CDFW guidance and recommendations. In the absence of protocol-level surveys being performed, additional surveys may be necessary. If special status animal species are not identified during pre-construction surveys, no further action is required. If special status animal species are detected during pre-construction surveys, the	Prior to start of construction, unless pre-construction survey results in recommendation for further study and mitigation, mitigation should occur as recommended following coordination with CDFW and Tulare County RMA.	Field Survey and Report submitted to Tulare County RMA prior to construction.	County of Tulare.	Qualified Biologist.			

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be contacted immediately to identify the appropriate avoidance and minimization actions to be taken as applicable for the species identified and to determine permitting needs. • Kit Fox: Pre-construction surveys shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS *Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (2011). Specifically, the survey will include the project site and a minimum of a 200-foot area outside of all project impact areas. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by kit fox. • Raptors/Migratory Birds: If Project activities must occur during the nesting season (February 1-August 31), a qualified biologist will conduct preconstruction surveys for active raptor and migratory bird nests within 10 days of the onset of these activities. The survey will include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors							

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
and migratory birds in an effort to save Swainson's hawk. The Swainson's hawk survey will utilize the Swainson's Hawk Technical Advisory Committee *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) methodology that will extend to ½-mile outside of work area boundaries.							
4-3: Employee Education Program: Prior to the start of construction, the applicant shall retain a qualified biologist/botanist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the special status species that occur, or may occur, on the project site. This training will include a description of the species and its habitat needs; a report of the occurrence of the species in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; a list of the measures being taken to reduce impacts to the species during project construction and implementation.	Prior to construction-related activities if special status species are detected.	Meeting conducted by Qualified Biologist working with USFS and/or CDFW; meeting sign-in sheet submitted to Tulare County RMA.	County of Tulare.	County of Tulare, Qualified Biologist.			
CULTURAL RESOURCES							
5-1. Discovery: If historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the Preferred/Proposed Project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the specialists shall provide recommendations for measures	Daily or as needed throughout the construction period if historical, archaeological or paleontological resources are discovered.	Field Evaluation Report submitted to Tulare County RMA if resources are discovered. The report shall include results of field evaluation and recommend further	County of Tulare.	County of Tulare, Qualified Archaeologist or Paleontologist			

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.		actions to be taken to mitigate for unique resources or human remains found, consistent with all applicable laws including CEQA.					
5-2- Avoidance, Preservation, and Treatment: The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources require further study. The project proponent shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency	Daily or as needed throughout the construction period if paleontological resources are discovered.	Field Evaluation Report submitted to Tulare County RMA if resources are discovered.	County of Tulare.	County of Tulare, Qualified Paleontologist			

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
for review and approval. Upon approval, the plan shall be incorporated into the project.							
5-3. Compliance with Health and Safety Code. Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the	Daily or as needed throughout the construction period if human remains are discovered.	Field Evaluation Report and Data Recovery Plan submitted to Tulare County RMA if human remains are discovered.	County of Tulare.	County of Tulare, Qualified Archaeologist.			

Mitigation Monitoring and Reporting Program							
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					Initials	**Date**	**Remarks**
deceased Native American. iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. b. The descendant fails to make a recommendation; or c. The landowner or his authorized representative rejects the recommendation of the descendent.							
GEOLOGY/SOILS (PALEONTOLOGICAL RESOURCES)							
See Mitigation Measures 5-1 through 5-3.							
NOISE							
13-1: Internal combustion engines shall be	Ongoing throughout		County of	On-site Project			

Mitigation Monitoring and Reporting Program							
Mitigation Measure	**Timing / Frequency**	**Action Indicating Compliance**	**Monitoring Agency**	**Person Responsible for Monitoring / Reporting**	**Verification of Compliance**		
					Initials	**Date**	**Remarks**
equipped with a muffler of a type recommended by the manufacturer.	construction.		Tulare.	Manager			
13-2: Construction activities, excluding activities required to occur without interruption or activities that would pose a significant safety risk to workers or citizens, shall be limited to between the daytime hours of 7:00 a.m. and 7:00 p.m.	Ongoing throughout construction.		County of Tulare.	On-site Project Manager			
13-3: Portable/stationary equipment (e.g., generators, compressors) shall be located at the furthest distance from the nearest residential dwelling.	Ongoing throughout construction.		County of Tulare.	On-site Project Manager			
13-4: As directed by the County resident engineer, the contractor shall implement appropriate additional noise abatement measures including, but not limited to, siting the location of stationary construction equipment away from sensitive noise receptors to the greatest extent feasible, turning off idling equipment after no more than five minutes of inactivity, and rescheduling construction activity to avoid noise-sensitive days or times	Ongoing throughout construction.		County of Tulare.	On-site Project Manager			
13-5: Use alternative pile installation techniques (e.g., drilled piles) to the extent possible.	Ongoing throughout construction.		County of Tulare.	On-site Project Manager			
TRIBAL CULTURAL RESOURCES							
See Mitigation Measures 5-1 through 5-3.							

ATTACHMENT "E"

Background Information

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

PLANNING APPLICATION

GENERAL INFORMATION / COVER SHEET

LAND USE ENTITLEMENT (DISCRETIONARY)

TYPE OF APPLICATION:

☐ Development Agreement	☐ Review/Interpretation Request	☐ Variance- Flood
☐ Final Site Plan	☐ Revisions to a Parcel/Sub Map	☐ Variance-Building/Road Setback
☐ General Plan Initiation	■ Special Use Permit (PC)	☐ Variance- Zoning
☐ General Plan Amendment	☐ Specific Plan	☐ Zone Change Initiation
☐ Planned Development	☐ Tentative Parcel Map	☐ Zone Change
☐ Planned Unit Development	☐ Tentative Subdivision Map	☐ Other _____

NOTE: APPLICANT AND PROPERTY OWNER NAMES MUST BE LISTED IDENTICAL TO HOW THEY ARE SHOWN ON YOUR GOVERNEMNT ID

Applicant: Coldwell Solar 1, LLC
Mailing Address 500 Menlo Dr. #100
City/Town Rocklin State CA Zip 95765
Phone 916-435-2900 Cell _____
E-Mail dhood@coldwellsolar.com
Signature _____

Property Owner: Cornell Kasbergen
Mailing Address 21744 Road 152
City/Town Tulare State CA Zip 93274
Phone _____ Cell _____
E-Mail _____
Signature _____

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

Name/Title Solar Land Partners, Inc
Mailing Address 12672 Kane Drive
City/Town Saratoga State CA Zip 95070
Phone 408-813-2683 Fax _____
E-Mail jbarnes@solarlandpartners.com

Name/Title Jay Vander Tuig/Property owner
Mailing Address 20127 Road 164
City/Town Swathmore State CA Zip 93267
Phone _____ Fax _____
E-Mail _____

Project Information:

Site Address(es): 16398 AVE 208 City/Town: Swathmore
Assessor's Parcel No(s): 196-030-004, 196-020-012

CEQ 23-001

THIS SPACE FOR PERMIT CENTER STAFF USE ONLY

Project Number: PSP 23-012 **Supervisor District:** 1 **Economic Development:** _____
Current Zoning: AE-40 **General Plan Land Use:** _____ **UAB/UDB/HDB/MSC:** Yes ☐ No ☐
Project Description Amendment to Solar generation facility, ref PSP20-068 (Move solar farm to a different location)
Agricultural Preserve *(if applicable)* – Preserve No. 2293 **Contract No.** 6847
Filing Fee(s): $ 11,895.00 **Total Amount Paid:** _____ **Payment Type:** Check
Date Received: 2-9-23 **Existing Entitlements/References:** PSP 20-068
Application Received/Reviewed by: RBran

PERMIT CENTER HOURS: MONDAY – THURSDAY 9:00 A.M. TO 4:30 P.M. FRIDAY 9 A.M. -11 A.M.

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
****5961 S. Mooney Blvd. Visalia, CA 93277 ** PHONE: 559-624-7000 ****

DISCRETIONARY LAND USE ENTITLEMENT APPLICATION

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

The application form must be filled out completely and in every respect with all questions answered and all required attachments before the County can officially accept the application for processing. In the course of accepting and processing the application, Permit Center staff or the project planner may ask the applicant to clarify, correct or otherwise supplement the required information. The application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd. Visalia, CA 93277. Phone No. (559) 624-7000. **IMPORTANT NOTICE: Fees are required at time of application submittal and are subject to change. Please verify the most up to date fees with Permit Center staff. The applicant is responsible for the payment of all fees associated with this application, including the initial fee/deposit and additional fees charged for processing. In addition, the applicant may be required to submit to the County additional deposits.**

Please see application fee information on Page 3 for specific and detailed fee information.

In addition to this application, please provide the following:

1. One (1) copy of the Development / Site Plan (showing entire parcel and location of the project)
2. Operational Statement: Please attach a detailed operational statement.
3. A signed Indemnification Agreement
4. "Will Serve" Letter from the appropriate off-site Community Water or Sewage Disposal provider.
5. Supplemental Information: Parcel Map Applications may require applications for exceptions and/or a waiver of the final map (if appliable). Certain applications pertaining to projects involving the raising of animals (dairies or other animals), Surface Mining or other more intense uses may require additional information and forms which can be obtained by contacting the Permit Center staff.

SUMMARY OF REQUIREMENTS FOR A LAND USE ENTITLEMENT APPLICATION

	Applicant	Staff
1. Completed Application	☑	☐
2. Owner's Affidavit *(signed by property owner)*	☑	☐
3. Filing Fee	☑	☐
4. Development/Site Plan (1 copy) (additional copies may be required)	☑	☐
5. Indemnification and Cost Recovery Agreement *(separate attachment)*	☑	☐
6. Supplemental Information (Review of "Identified Hazardous Waste Sites")	☑	☐
7. Applicant's Request for Notification of Proposed Land Use Action	☑	☐
8. Operational Statement *(if required by County)*	☑	☐
9. "Will Serve" letter from the appropriate off-site Community water and/or sewage disposal provider.	☑	☐
10. Water availability information for all existing and/or proposed on-site domestic wells. (Note: If a domestic well on one parcel is going to supply water to another parcel, a ten foot wide well and pipeline repair and maintenance easement in favor of that parcel shall be shown on the parcel (tentative/final) map and incorporated into the legal description prepared for the division of land.)	☑	☐
11. Request for Unused Fees Form *(Signed by the Applicant)*	☑	☐

LAND USE ENTITLEMENT APPLICATION FEES

Project Type Development	**Fee Due at Application Submittal**
Agreement	$1,303 deposit (then $115/hourly charged)
Final Site Plan	$3,415 deposit (then $115/hourly charged)
General Plan Initiation	$5,321 deposit (then $115/hourly charged)
General Plan Amendment	$10,321 deposit (then $115/hourly charged)
Planned Development	$8,304 deposit (then $115/hourly charged)
Planned Unit Development	$8,203 deposit (then $115/hourly charged)
Review/Interpretation Request	$300 deposit (then $115/hourly charged)
Revisons to a Parcel/Sub Map	$1,312 (for a Minor Revision) 1/2 of fee for Tent Map not less than $1,354 (Major Revision)
Special Use Permit (PC)	$3,005 deposit (then $115/hourly charged) for CEQA Exempt projects, temporary uses, mobile home/additional housing $5,750 deposit (then $115/hourly charged) for New Special Use Permits and Amendments $5,528 deposit (then $115/hourly charged) for Expansions of Non-Conforming Uses *Note that Large Day Cares, Kennels, and Hazardous Waste Facilties have special fee amounts. Please contact Permit Center staff for any fee questions. Additional $150 fee in SRA Areas
Specific Plan	$5,321 deposit (then $115/hourly charged)
Tentative Parcel Map	$2,507 flat fee (for 1-4 lots) - Additional: $168 for Waiver request, $249 for exceptions to maps/lot lines, $113 in SRA Areas; $3,568 plus $65 per lot (for more than 4 lots) (then $115/hourly charged)
Tentative Subdivision Map	Deposit Varies based on number of lots (then $115/hourly charged)
Variance - Flood	$3,313 deposit (then $115/hourly charged)
Variance - Building/Road Setback	$1,801 flat fee
Variance - Zoning	$3,490 deposit (then $115/hourly charged)
Zone Change Initiation	$3,333 deposit (then $115/hourly charged) Note: Zone Initiation fee is deducted from Zone Change Fee
Zone Change	$6,451 deposit (then $115/hourly charged)

Additional Fees Due Prior to Hearing or Project Completion

CEQA (Environmental) Fees for 2023	Varies: Exempt: $58, ND or MND: $2,764.00, EIR: $3,839.25
Recording Fee Deposit	$150 (Including SB2 - Building Homes and Jobs Act Fee)
Compliance Monitoring Fee	$130

Tax Clearance Fees for Parcel Maps/Lot Line Adjustments

Assessor Fee Per Map for Tax Estimates	$63
Assessor Fee Per Map for Waived Maps	$336
Tax Collector Fee	$131 per Original APN

PLEASE FILL OUT THE FOLLOWING INFORMATION COMPLETELY.

1. Type of Project:

☐ Residential ☐ Commercial ☒ Industrial ☐ Agricultural

2. Present use of the project site (existing conditions, improvements, and/or development)?
Both parcels and i use for pasture or irrigated ground crops

There are no structures or storage tanks located on the property

3. What is the project/proposed use of site? And when will the use begin? *(Please state exactly and in detail what the intended reason to be done on, or with, the property).*
The project would install approximately 68,040 solar modules with interconnection substation to tie into Edison Bliss 66kv substation buss

Construction and use of the site is anticipated in late 2023 following permit approval and environmental review

4. Is the project proposing to create new lots? Yes
If yes, how many? Approximately 50 during construction phase

5. Is this project to resolve a violation? No

6. Liquid waste disposal *(please check appropriate box)*: ☒ Existing ☐ Proposed

☐ Septic Tank-Leach Lines: Size of tank _____ gallons & length of lines _____ ft.

☐ Seepage Pit - Size _____

☒ Community System – Name: None during operation. Temp portable toilets provided during construction

☐ Aerobic tank - Size of tank _____

7. Water supply *(please check appropriate box)*: ☐ Existing ☐ Proposed

☐ Domestic Well – Size of pump _____ Gallons per minute _____

☐ Irrigation Well: none needed for construction. trucked in for periodic panel washing

☐ Irrigation District – Name: _____

☐ Private Water Company – Name: _____

☐ Community System – Name: _____

Note: A "Will Serve" letter must be provided from any off-site community water and/or sewage disposal provider and must be submitted as part of this application. In addition, water availability information for all existing and/or proposed on-site domestic wells must also be submitted with this application.

8. Source of energy *(please check appropriate box)*:

☒ Electricity – Company name: SoCal Edison and self generation ☐ Natural Gas – Company name: _____

☐ Propane: Size of tank _____ Provider _____

9. Date property was acquired: N/A Lease Option

10. Date use began on site: N/A

11. Parcel or Lot Size(s) *(in acres or sq. ft. as appropriate)*: APN 196-030-040 is 160 acres APN 196-020-012 is 153 acres

12. How much area of the total parcel or lot is being developed or utilized for the proposed use (acreage, square footage and percentage)?

13. Will the development of the project be in phases? If yes, please describe each phase and estimated time frames. Yes ■ No ☐

Construction Phase 1 Site grading 1 month, Phase 2 Photovoltaic module installation 4 months, Phase 3 inverters, transformers, substation interconnection 3 months

14. List and describe any other related permits and/or other public approvals required for this project, including those required by city, regional, state and federal agencies.

15. Parking: Specify the number of on-site parking spaces, including the location, size, and type of surfacing.

Three (3) parking spaces are proposed on the graded gravel area in the NE portion of both sites

Specify number of loading space(s) and loading dock(s) 0

16. Number of trips generated per day by each type listed below *(2 trips = 1 arrival and 1 departure):*

Residents		Customers	
Employees (including self)	1.3trips/day	Shipping	
Deliveries		Other	

Residential Projects Only:

17. Please indicate the type of residential development *(conventional, mobile home, duplex, tri-plex).*

18. How many structures/buildings are being proposed?

19. How many units will there be?

20. Please provide the relationship of persons to the applicant in each dwelling unit.

****For Residential Projects and Tentative Parcel Map/Subdivision Map Projects please skip the next section and proceed to Page 9 to complete the Environmental Setting Questions and additional required forms.**

Commercial, Industrial and Agricultural Projects Only:

21. Employees: Indicate the total number of employees and include the number of shifts and number of employees per shift.

1-2 employees with up to 5 trips/week to the site for security or maintenance; 2-3 employees for panel washing activities (20 days per year)

22. Days and Hours of Operation *(if seasonal, include months of operation)*:

The proposed solar site will not be accessible to the public.

23. Please fill out the table below regarding your proposed project. Note: For proposed expansions please provide a copy of the existing use permit or approved site plan. Please describe additional information about the expansion on a separate sheet.

DESCRIPTION OF EXISTING USE AND NEW OR PROPOSED EXPANSION		
	EXISTING	NEW OR PROPOSED EXPANSION
Type of Use	Farmland, row crops	Solar Array
Number of Employees	2-5	2-5 employees
Type of Development	irrigated Farmland	Tracker Solar Array
Size of Development (sq. ft.)	N/A	No proposed buildings
Area of Development (sq. ft./acres)	313 acres	160 acres
Operating Hours & Days	N/A	N/A
Annual Production (tons, gallons, etc.)	N/A	N/A
Daily Trips (arrivals & departures) of : Employees Customers Deliveries Shipments	Once a week for crop checking	1-2 employees with up to 5 trips/week to the site for security or maintenance; 2-3 employees for panel washing activities (20 days per year).
Equipment	N/A	Solar array, battery energy storage
Vehicles, by type	tractor for row tilling etc.	Personal employee vehicles and trucks with pressured washing system
Water usage (# of gallons per year)		24,000 to 48,000 gallons per year
Wastewater (# of gallons per year)	N/A	No wastewater, portable toilets used for constructin

24. Are alcoholic beverages proposed to be served on site? ☐ Yes ■ No
If Yes, please explain and state who will hold the license from the State Department of Alcohol Beverage Control. _____

25. Waste materials: Indicate types of all waste materials and the existing or proposed method for disposal.
Waster that may be generated during construction will be disposed in the Municipal County landfill. Solid waste generation is no anticipated during project operation

26. Waste/Storm water: Indicate plans for reclamation for waste/stormwater *(if applicable)*:
A storm water pollution Prevention Plan (SWPPP) would be in effect for the project to prevent impacts on adjacent properties and from any storm water generated on site

Required permit or waiver from Regional Water Quality Control Board? Y / N (If yes, attach report.)

If processing water is used for irrigating, specify # of acres, location (APNs) and property owner(s)
No irrigation will occur under the project

27. Access to major roads, railroads or waterways. RD 164 to the East of both northern and southern project locations
No major waterways

28. Drive approach(es) – Describe existing or proposed. Unpaved road shoulder for gate openings

29. Signage – Describe existing and proposed signage for the proposed use. No existing signage
Signs for emergency contacts and hazard warning sign will be posted at each entrance to the facility

30. Landscaping – Describe existing and proposed landscaping on the site. No ornamental landscaping is proposed
A Tulare County Fire Department approved weed abatement plan will be in effect to prevent vegetation accumulation

31. If the proposed use is for commercial development, indicate the type *(neighborhood, general, service, urban, rural, agricultural)*, proposed use, and square footage of retail and/or wholesale sales area and/or storage area.
N/A

32. If the proposed use is for institutional, indicate the type *(hospital, daycare, clinics, or similar use),* the major function, estimated occupancy and the community benefits to be derived from the project.
N/A

33. If the proposed use includes manufacturing or processing, indicate the type of product, method of storage, process for distribution or selling, and whether the operation is for retail or wholesale.
N/A

Equipment used _____ Where operated _____

Distance from nearest off-site residence _____

Current production (# gallons or tons/yr) _____ Proposed production(# gallons or tons/yr) _____

34. If the proposed use includes storage or warehousing, indicate the type of materials to be stored on site and the size and description of the storage area, including existing and proposed fencing and screening.
No warehousing or walk-in-storage. An energy storage facility if proposed in the nor-east corner of the parcel, which will have a separate fenced in area for safety

Are any portable toilets stored on site? ~~Yes~~ / No If so, how many? Only for construction workers

Where are portable toilets emptied and cleaned out? N/A for operation By whom? _____

Are any of the stored materials hazardous? ~~Yes~~ / No

Any explosive materials? ~~Yes~~ / No Volatile materials? Yes / No Poisons? ~~Yes~~ / No

If so, please describe storage arrangements (containment, inside structure, signage, etc.)
The project would not generate, use, or dispose of any hazardous waste during construction or operation

Does applicant have a Hazardous Materials Business Plan on file with the County Environmental Health Services Division? Not applicable for this project

Does applicant have current State and local permits for transporting hazardous materials? ~~Yes~~ / No

Describe Not necessary for this project

35. Type of equipment and/or machines to be utilized, including horsepower. Specify - powered by propane, gasoline, diesel or electricity *(if applicable)*: Graders, trenchers, small tractors, a crane and miscellaneous lighter duty construction equipment

_____ Fork Lifts 0

36. Type and number of vehicles to be utilized *(if applicable)*:

Pickups 3 Tractors 2

2-ton trucks 1 ARB compliant? Yes / ~~No~~

18-wheelers 0 ARB compliant? Yes / No

Trailers 0 Other grader, 2 trenchers, 1 hydrauic pile driver

Specific Types of Projects (Applicable only to Cell Tower, Solar Projects, Confined Animal Operations and Assemblage of People applications):

37. If the proposed use is for a telecommunications/cell tower, indicate the type, height, size of lease area and the number of receivers proposed.

N/A

Distance from nearest residence _____ Distance from public road _____

NOTE: Please provide map of cell tower locations within 10 mile radius.

38. If the proposed use is for a solar facility, describe whether power will be generated -

For use on the site ☐ or back to the grid ■

Panel type Crystalline silicon modules Square footage or acreage 160 acres less internal road system

Ground mounted ■ Roof-mounted ☐ Amount of power to be generated up to 40MW ac

39. If the proposed use is for an animal operation, specify the types of animals and their maximum number.

_____

_____

Note: Dairies and Other Concentrated Animal Raising Operations require special application forms.

40. If the proposed use will include facilities for an assemblage of people (in a church, auditorium, or other structure, or in an open area), inside/outside (tent, canopy or building), indicate the seating capacity, including whether it is fixed or loose seating, and the number of tables with seating.

_____

Proposed days (weekends or weekdays?) _____ Proposed # of events/year _____

Proposed Number of Commercial Events: _____

Expected # of attendees _____ Employees (including self): _____

Distance to lot lines _____ Distance to nearest off-site residence _____

Proposed entertainment _____ Amplification type _____

Hours of events - Setup _____ Event(s) _____ Cleanup _____

# of parking spaces _____ On-site parking area size _____ Surface _____

Off-site parking arrangements, if any: _____

Fencing - Type _____ Location _____

Proposed # of security guards (*Need 1 for each 100 attendees if no alcohol served or 2 for each 100 if alcohol is served*): _____

Will alcohol be served? Yes ☐ No ☐

If yes, who holds the ABC license? _____

Restroom arrangements: ☐ Portable Toilets (Need 1:50 people) ☐ Restrooms (1:100 people)
Number Provided _____
Number of hand wash sinks _____(*If portable toilets, need 1 hot water dispenser for every 15 food handlers*).

Food Provider or Caterer: _____

ENVIRONMENTAL SETTING

41. Describe the project site, prior to the proposed use, including all above and below ground developed improvements *(residences, outbuildings, barns, sheds, covers, shop buildings, septic tank-leach line systems, domestic/agricultural wells, fuel storage tanks, etc.),* including the size of each.

The two project site locations consist of farming used for irrigated row crops

There are no buildings, septic tanks, wells, or fuel storage tanks, etc. on the site

42. Please describe and indicate the slopes and general terrain of the subject site (fairly level, on bluff, hillside with outcroppings, etc.): Flat with slight grade from east to west of 0 to 2 percent

43. Trees: Please identify the type and size of any large trees on site.

None, all cleared earlier

44. Water bodies/courses: Identify the type and location of any on-site or nearby water bodies/courses *(rivers, canals, ditches, streams, creeks, ponds etc.)*.

None

45. Describe the character and land use of the surrounding properties (orchards, vineyards, row crops, pasture, open space, water courses, railroads, roads, rural residential, subdivisions, commercial, schools, churches, vacant, city or county boundary):

DIRECTION	CHARACTER/LAND USE
North	Irrigated row crops and rural agriculture
South	Irrigated row crops and rural agriculture
East	Irrigated row crops and rural agriculture
West	Grimmus Cattle feeder and cattle sheds for southern parcel, Irrigated row crops and rural agriculture for norther parcel

46. Fire Suppression:

Number of Hydrants on site 0 Hydrant(s) off site ____ Distance _____

Storage tank on site for fire suppression (requires Fire Department connection) Size _____

47. Will the project require the development of public service *facilities (roads, sewer lines, water lines, etc.)?* If so, describe the required development:

No

48. Provide any additional information that may be helpful in evaluating this request. *(Use the back of this form or attach separate sheet, if needed.)*

SUPPLEMENTAL INFORMATION FOR
APPLICATION OF ANY DEVELOPMENT PROJECT

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:
Per California Government Code Section 65962.5(f), before the County accepts as complete an application for any development project, the applicant or owner shall consult the State's lists of hazardous waste facilities, shall submit a signed statement to the County indicating whether the project is located on a site that is included on any of the lists. The "Identified Hazardous Waste Sites" list may be viewed on the web at http://www.envirostor.dtsc.ca.gov/public or reviewed at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, California.

Before any application can be accepted as complete by the Tulare County Resource Management Agency, the owner of the subject property, or the owner's authorized agent, must complete this form.

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list (which may be viewed on the web at http://www.envirostor.dtsc.ca.gov/public) dated November 1st, 2022, and state that:

> "The site(s) of the project subject to this application IS NOT is / ___ is not on the "Identified Hazardous Waste Sites" list."

(If the site is on any of hazardous waste facilities lists, the applicant shall inform the County of which list, the date of the list, the regulatory identification number of the site on the list and corrective measures that will be taken to remove the site from the State list.)

CERTIFICATION:

I hereby certify that the information furnished herein presents to the best of my knowledge and belief, true and correct facts, statements, and information, and that I am the owner, or the authorized agent of the owner, of the subject property.

Signed: _____ Dated: _____

OWNER'S AFFIDAVIT

(Must be signed by property owner)

STATE OF CALIFORNIA)
COUNTY OF TULARE) SS.

I, (We,) the undersigned, say:

I (We) own property involved in this application and I (we) have completed this application and other documents and maps required hereby to the best of my (our) ability and the statements and information above referred to are, in all respects, true and correct to the best of my (our) knowledge and belief. I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20__, at _____

Property Owner:

Name: Cornell Kasbergen Signature: _____

Address: 21744 Road 152, Tulare State: CA Zip: 93274

Optional – additional property owner:

Name: Jay Vander Tuig Signature: _____

Address: 20127 Road 164, Swathmore State: CA Zip: 93267

If there is an agent, title company, or prospective buyer who desires notification of the action taken on this application, please enter name here.

Name: Dave Hood

Relationship: CEo Coldwell Solar, Inc (parent of Coldwell Solar 1, LLC

Address: 500 Menlo Dr. # 100 Rocklin

State: CA Zip: 95765

Telephone: 916-435-2900

FAX No.: _____

Signed: _____ Date: _____

APPLICANT(S) REQUEST FOR NOTIFICATION OF PROPOSED LAND USE ACTION

NOTICE:

Under Section 65945(a) of the California Government Code, at the time of filing an application for a development permit, the applicant may make a written request to receive notice from the County of a proposal to adopt or amend any of the following plans or ordinances which may affect the proposed development permit:

1. A General Plan
2. A Specific Plan
3. A Zoning Ordinance
4. An Ordinance affecting building permits or grading permits

The applicant shall specify, in written request, the types of proposed actions for which notice is requested. Prior to taking any of those actions, the County is required to give notice to any applicant who has requested notice of the type of action proposed and whose develop0ment project is pending before the County if the County determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

REQUEST:

☐ I hereby request under Section 65945(a) for the following types of actions (see above). Circle those that apply:

1 2 3 4

☒ I hereby waive notice under Section 65945(a).

I understand that any rights to notice under Section 65945(a) will lapse at the time that final action is taken on my development project.

Signed: _____ Dated: _____

(applicant or authorized agent)

Permit No.: _____

The County of Tulare

"INDEMNIFICATION AND COST RECOVERY AGREEMENT"

must accompany this application

Please download or print out the form from the
County Web Site
(located with the list of land use applications).

The Indemnification and Cost Recovery Agreement must be filled in and signed by the applicant and must be submitted as part of any land use application requiring discretionary review by the County.

This Agreement must be signed by the Applicant

Please sign the Agreement in blue ink (preferred) and submit the <u>original, signed document</u> with the appropriate land use application.

WITHDRAWAL OF APPLICATION

Should you, at any time during the processing of your application, wish to withdraw your application and request a refund of fees paid, you may do so by forwarding a letter to the Resource Management Agency making that request. Please state clearly that you no longer wish to proceed with your land use project *(state the project number),* and that you are requesting a withdrawal of your project and a refund of any fees that have not been expended for the processing of your application.

Please date and sign the letter and include a mailing address where you would like any refund of fees (if applicable) to be mailed. Forward the request to the attention of the project planner.

REQUEST FOR REFUND OF FEES

Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Project Number: _____

Please refund any unused fees associated with this application to the designated name and address below.

Dave Hood
(please print name)

500 Menlo Dr. #100
(Street Address,Suite/Apt. No.)

Rocklin, CA 95765
(City, State, Zip)

_____ _____
Signature Date

RESOURCE MANAGEMENT AGENCY

5961 South Mooney Blvd.
Visalia, CA. 93277
Phone (559) 624-7000
Fax (559) 730-2653

RECEIPT

RECEIPT NUMBER: TRC-000859-10-02-2023
PAYMENT DATE: 02/10/2023
PLAN NUMBER: PSP23012
APPLICATION TYPE: Special Use Permit
OWNER: Cornell Kasbergen
PAYEE: Coldwell Solar Inc (Kenner, Nataleigh)
APPLICANT: Coldwell Solar Inc
TYPE OF PAYMENT: Fee Payment
PAYMENT METHOD: Check
PARCEL NUMBER:
CHECK/MONEY ORDER NO: 002341
SITE ADDRESS: 16398 Avenue 208, Strathmore

ACCOUNT ITEM LIST

Fee Name	Account Number	Fee No	Paid Amount
CEQA NOD/NOE Posting Fee	5372430	00344736	$58.00
Compliance Monitoring and Reporting [PL] - PC	4192610	00344733	$130.00
Computer Maintenance Fee	00123051204218	00344729	$10.00
DEPOSIT PSP proc by PC & Amend to PC Use Permits	00123061105421	00344735	$5,000.00
Recording Fee for Resolutions/Decisions [PL]	5372430	00344734	$150.00
Special Use Permit proc by PC [ENG]	01422523905421	00344731	$383.00
Special Use Permit proc by PC [EVH]	00114260115421	00344732	$244.00
Special Use Permit proc by PC [FIRE]	01324521005421	00344730	$113.00

TOTAL PAYMENT: $6,088.00
TOTAL PAID FROM CURRENCY: $6,088.00

Elementary School District:
High School District:

RECEIPT ISSUED BY: MJauregui@tularec**LOCATION:** Visalia 2
DATE PRINTED:02/10/2023 **TIME:** 9:54 am

RESOURCE MANAGEMENT AGENCY

5961 South Mooney Blvd.
Visalia, CA. 93277
Phone (559) 624-7000
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RECEIPT

RECEIPT NUMBER: TRC-000860-10-02-2023
PAYMENT DATE: 02/10/2023
PLAN NUMBER: CEQ23001
APPLICATION TYPE: CEQA
OWNER: Cornell Kasbergen
PAYEE: Coldwell Solar Inc (Kenner, Nataleigh)
APPLICANT: Coldwell Solar Inc
TYPE OF PAYMENT: Fee Payment
PAYMENT METHOD: Check
PARCEL NUMBER:
CHECK/MONEY ORDER NO: 002341
SITE ADDRESS:

ACCOUNT ITEM LIST

Fee Name	Account Number	Fee No	Paid Amount
DEPOSIT Mitigated Neg Dec prepared by County	00123061105421	00344742	$3,000.00
Fish and Wildlife - Mitigated Negative Declaration	5372430	00344740	$2,764.00
MND prepared by County [EVH]	00114260115421	00344741	$43.00

TOTAL PAYMENT: $5,807.00
TOTAL PAID FROM CURRENCY: $5,807.00

Elementary School District:
High School District:

RECEIPT ISSUED BY: MJauregui@tularec**LOCATION:** Visalia 2
DATE PRINTED:02/10/2023 **TIME:** 9:58 am

Revised Project and Operations Description for the Proposed Tulare 40 Project Unincorporated Portion of Tulare, California (APN 196-030-004, APN 196-020-012)

Prepared for:

Coldwell Solar 1, LLC
500 Menlo Dr. #100
Rocklin, CA 95765

Prepared by:

Solar Land Partners, Inc
12672 Kane Drive Saratoga, CA 95070
(408-813-2683

February 2023

1 This <u>Revised</u> Project and Operations Description is for a modification of the approved MND for project application PSP 20-068 from April 2021. The project site is moving approximately 2.3 miles to the South of the previous approved site. This is to eliminate the need for building approximately 5 miles of 66KV transmission lines and connecting directly into the adjacent Bliss substation. The size of the project and prior descriptions of the equipment are basically the same as described below, with changes in module wattage as time has passed.

2 PROPOSED PROJECT SUMMARY

Coldwell Solar 1, LLC (Applicant) is proposing the construction and operation of the Tulare 40 Generation Facility (Project), an approximate 40-megawatt (MW) solar generation facility on two parcels totaling approximately 160 acres in western Tulare County, California. The Project site development area is located directly south of AVE 208 and to the west of RD 164. The installation would comprise approximately 68,040 single axis mounted solar modules, rated at 650 watts per module. It should be noted that watts per module may increase at time of Project construction; however, for planning purposes we have included an approximate module output of 650 watts. In addition to the installation of photovoltaic (PV) solar modules, the proposed development area of the proposed Project would include the construction of an on-site substation, wiring and inverters, fence, access roads, and a new very short distribution interconnect power line to the existing substation located directly adjacent of the Project location at the Southern California Edison (SCE) Bliss Substation. The southern proposed development areas of the Project would potentially include a 10 (MW) storage component in the form of batteries. The life of the Project is anticipated to be 35 years.

3 PROPOSED PROJECT DESCRIPTION

3.1 Project Location

The proposed Project site is in an unincorporated area of southern Tulare County, California. The Project site is located approximately 5 miles east of the City of Tulare and abuts AVE 208 to the south, and Road 164 to the east. The Project site is addressed as 16398 Ave 208 Strathmore, CA 92267.The site is located within the United States Geological Survey (USGS) Visalia 7.5-minute quadrangle.

Latitude: N 36° 10’ 04.51”

Longitude: W 119° 12’ 25.5”

The proposed northern Project development area is located on Assessor’s Parcel Number (APN) 196-020-012 which totals 153 acres.

This proposed Project’s parcel is owned by Cornell Kasbergen.

The proposed southern Project development area is located on Assessor’s Parcel Number (APN) 196-030-004 which total approximately 160 acres.

This proposed Project’s parcel is owned by Jay Vander Tuig.

The Project site is located within the jurisdiction of the Rural Valley Lands Area Plan pursuant to the Tulare County General Plan.

3.2 Project Background and Objectives

The Project would provide emission-free, solar powered electrical energy to the California electrical grid to

assist with meeting regional energy demands, State Renewable Portfolio Standards, as well as Assembly Bill (AB) 32 and Senate Bill (SB) 350 and 100 mandates. The Project would provide approximately 40 MW of renewable energy with associated potential Resource Adequacy and Full Capacity Deliverability. Resource Adequacy allows the utility to use this system for annual guaranteed supply as required by the California Independent System Operator (CAISO) and the California Public Utilities Commission. Full Capacity Deliverability status certifies that the CAISO system (the grid) has sufficient capacity to ensure delivery of the Project's full expected energy output to the whole CAISO system.

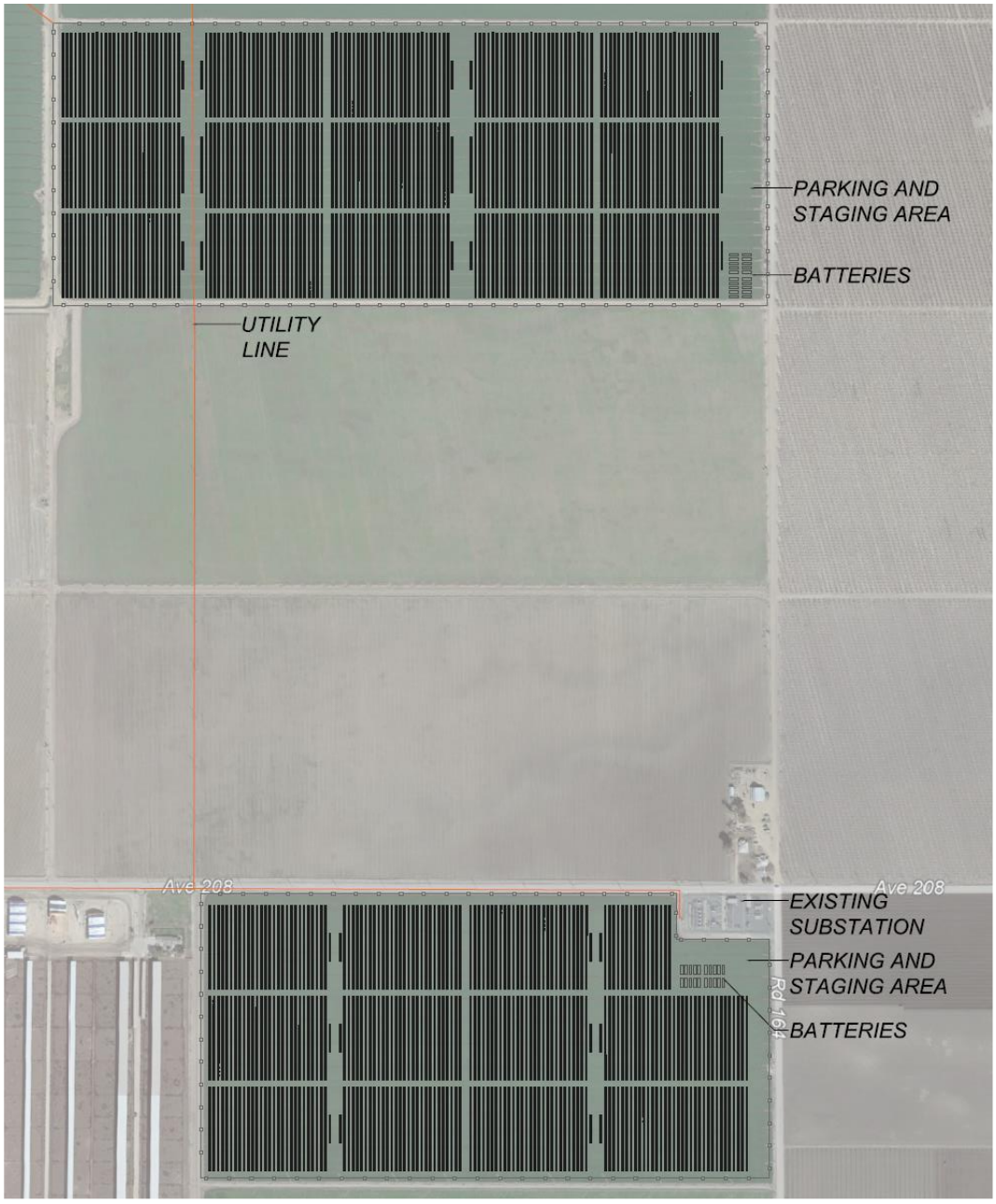
Existing Setting

The Project site is located approximately 55 miles east of the Pacific Coast Range and 12 miles west of foothills of the Sierra Nevada Mountain Range. Topographically, the Project site is flat (less than 2 percent slope across the site) with an average elevation of approximately 315 feet above mean sea level. The Project site has historically been used for grazing and irrigated row crop cultivation. The Project site is mapped by the Department of Conservation, Farmland Mapping and Monitoring Program with approximately 237 acres of "Prime" Farmland (100 percent of the Project site) as rated by the Natural Resources Conservation Service (NRCS). Surrounding land is predominantly of similar rating for quality of agricultural land.

The land uses surrounding the Project site include irrigated row crops and rural agriculture and scattered rural residences. The Tulare County General Plan designates the Project site and surrounding land as Valley Agriculture, with the Project site and surrounding lands zoned Exclusive Agriculture, 20- or 40-acre Minimum (AE-20 and AE-40).

The Project lies within the San Joaquin Valley Air Basin and air quality in the region is regulated by the San Joaquin Valley Air Pollution Control District 9 (SJVAPCD). The Project is also located within jurisdiction of the Central Valley Regional Water Quality Control Board.

Below is a Google Earth View from AVE 208 showing land use.



3.3 Proposed Project Components

3.3.1 Overview

The Applicant is proposing the lease of APNs 196-030-0004 and 196-020-012 for a period of approximately 35 years to accommodate construction and operation of the proposed Project. The Project would include installation of solar modules with associated equipment and inverter stations, substation to support interconnection to SCE infrastructure, an energy storage component, access roads, and lighting and fencing around the perimeter of each proposed development area. The developed area would occupy approximately

160 acres of the total 313 acres across two parcels (Table 1). Approximately 153 acres would remain undeveloped with the option of the property owners to continue agricultural uses.

Table 1. Parcel Size

Parcel APN	Parcel Size (Acres)	Approximate Proposed Development (Acres)	Percent of Parcel Area to be Developed
196-030-004	160	80	50%
196-020-012	153	80	52%

3.3.2 Solar Modules

The proposed Project would install approximately 72.684 solar modules, rated at 650 or greater watts per module, with exact wattage still under consideration. Each separate row of the array would be comprised of approximately 90 modules, configured in portrait orientation and approximately 90 modules long. The width of each array would be approximately 14.8 feet and the total length of each array would be approximately 385 feet. Each array would be separated by approximately 18.8 feet, and the support pilings for each array would be installed approximately 23 feet away from the next nearest piling. The precise panel count would depend on the panel electrical output and electrical capacity of the solar field (estimated at approximately 40MW). Types of panels that may be installed include crystalline silicon panels or other similar commercially available PV technology.

Structures supporting the PV modules would consist of steel piles (e.g., cylindrical pipes, H-beams, or similar). For a fixed tilt mounting system with 20-degree tilt north to south, the piles would be installed with the lower side of each panel approximately 2 feet above grade, while the higher side would be a maximum of 7 feet above grade. The piles would be spaced approximately 12.5 feet apart within their respective rows and would reach a depth of up to approximately 3.5 to 5 feet below ground surface.

PV modules would be manufactured at an off-site location and transported via truck to the Project site. The steel piles supporting the PV modules would be driven into the soil using pneumatic techniques. Some designs allow for PV panels to be secured directly to the torque tubes using appropriate panel clamps. For all fixed-tilt systems, a galvanized metal racking system, which secures the PV panels to the installed foundations, would be field-assembled, and attached according to the manufacturer's guidelines.

3.3.3 Equipment and Inverter Stations

The Project would include the installation of nine (9) inverter stations containing electrical equipment to serve each block of solar panel arrays built on a concrete foundation or steel skids. The dimension of each inverter is approximately 9 feet in width, 7.5 feet in height, and 5.1 feet in depth. The total height for these inverter stations would be approximately 8.5 feet from ground level built on a 1-foot-thick concrete slab. The inverter stations would therefore be the tallest structures in each solar array field. Panels would be electrically connected into panel strings using wiring secured to the panel racking system. Underground cables, either rated for direct bury or installed in polyvinyl chloride (PVC) conduit, would be installed to convey the direct current (DC) electricity from the panels via combiner boxes located throughout the PV arrays, to inverters.

Inverters would then convert the DC electricity to alternating current (AC) suitable for delivery to the grid. The output voltage of the inverters would be stepped up to the collection system voltage via transformers located near the inverters.

3.3.4 Substation/Interconnect

The Project would include installation of a new 400-foot by 100-foot (40,000 square feet), 66-kilo volt (kV) interconnection substation on-site in the northeast corner of the southern proposed development areas. This substation would have a final 53 MVA transformer to tie the high side voltage into a new short 66-kV transmission interconnection line that would connect to the off-site SCE Bliss 66-kV Substation. The Project would include an energy storage component in the form of a capacitor bank within the substation area of the southern development area. The substation areas would be built on concrete foundations.

The Project has completed the required Phase I and Phase II studies by SCE and is in the final Interconnection Agreement Phase as shown in the official SCE interconnection queue document. The Phase I and Phase II reports describe the interconnection of the Project to the SCE Bliss Substation and identify energy distribution impacts of the Project.

3.3.5 Battery Energy Storage System

The Project would include up to 20 MWac of energy storage in the northeast corner of the southern proposed development area of the Project site. The 20 BESS (battery energy storage system) units would be in a metal storage enclosure that is approximately 10 feet tall, 52 feet long and 10 feet wide (see Attachment 3 - Inverter and Battery Storage System Examples). It is anticipated that lithium-ion batteries would be used. This enclosure includes a fire suppression system for safety and a heating, ventilation, and air conditioning (HVAC) climate control system. Up to 5 inverters like those used for the PV system will then convert the BESS to the 34.5 kV conduits that connect to the final step-up transformer in the adjacent substation, which transfers energy to the grid.

3.3.6 Access Roads

The Project's on-site roadway system would include a primary gated access road off Road 164 for both the northern and southern Project locations, leading to key facilities such as the capacitor bank and substation for the southern development area as well as an internal access road system for both locations. The perimeter road and main access roads would be approximately 20 feet wide with exact widths and surfacing designed consistent with facility maintenance requirements and Tulare County Fire Department standards. These roads would be surfaced with gravel, compacted dirt, or another commercially available surface. The roads would accommodate Project operations and maintenance activities such as cleaning of solar panels, providing a fire buffer, and facilitating on-site circulation for emergency vehicles. Internal roads would have additional permeable surfaces designed similarly to the perimeter and main access roads, approximately 12 to 15 feet in width or as otherwise required by County fire standards. They would be treated to create a durable, dust-minimizing surface for use during construction and operation. This would not involve lime treatment but would likely involve surfacing with gravel, compacted native soil, or a dust palliative.

3.3.7 Fencing

For public safety and facility security, a 6-foot-tall chain-link security fence would be installed around the approximately 1.9-mile-long perimeter of the Project development area. One (1) gate at the proposed development area would be provided through this fence from Road 164 to provide access to the proposed

development areas and one (1) gate would be provided along Ave 208.

3.3.8 Lighting

Motion activated lighting would be installed on the Project site and would be calibrated to moving objects greater than 50 pounds. This would limit their use to only those times when people walk or drive vehicles onto the site and would not create sustained lighting to disturb local wildlife. All Project lighting would be hooded and directed downward to minimize off-site light and glare.

3.4 Project Construction

Project construction would require the use of graders, trenchers, small tractors, a crane, and miscellaneous lighter duty construction equipment. Construction equipment would comply with "clean fleet" standards per the SJVAPCD. After initial site grading, a hydraulic driver would be used to drive metal supports into the ground. An estimated average of 125 to 150 construction vehicle trips per day would be required for the import of construction workers, PV module materials, substation equipment, distribution line and associated support poles, potential power storage (BESS) facilities, and the surfacing material for access roads.

The Project would comply with SJVAPCD Rule 8021 for construction and earthmoving activities. A Storm Water Pollution Prevention Plan (SWPPP) would be in effect for the Project to prevent impacts on adjacent properties and to Inside Creek from any storm water generated on-site. Appropriate setbacks from Inside Creek would be enforced in the southern proposed development area to avoid adverse impacts to water quality in the creek and to preserve stream corridor habitat.

3.4.1 Schedule

The construction of the Project would take approximately eight (8) months to complete. Initial site grading would take two (2) to three (3) weeks. The remainder of the construction period would consist of on-site assembly and installation of PV panels, which would not require heavy machinery. Construction would commence upon acquisition of all necessary permits, approvals, power sale, and financing. The Project would be constructed into (27) varying size blocks, with (15) blocks in the northern proposed development area and (12) in the southern proposed development area. Construction of the (12) blocks in the southern proposed development area would be initiated first. There may be a few months of delay in starting construction of the south section, due to delays in SCE work. Separate staging areas in the northern portion of each development area would be used for material staging and storage, portable construction maintenance trailer, and construction parking.

Upon completion of the final block, soils would be redistributed, and the site would be stabilized, and Project commissioning would ensue.

3.4.2 Material Staging

Construction of the Project would require temporary staging and storage areas for the Project materials and equipment. The material staging and storage areas would be in the Northeast portion of the development area. Construction debris would be disposed of at the applicable recycling facility or landfill.

3.4.3 Construction Access

All materials for Project construction would be delivered by heavy haul trucks. Most of the truck traffic would occur on designated truck routes and major streets. Trucks would access the Project site from Road

152. It is anticipated that Project construction would require on average approximately three (3) heavy haul truck vehicle trips per day and approximately 150 construction worker trips per day on average during the eight (8) months of construction, with the peak number of trips occurring during installation of the solar modules. This means a total of approximately 153 construction vehicle trips per day on average. A portable maintenance trailer, along with a portable restroom facility would be located within each staging area during Project construction.

3.4.4 Grading

The Project site is relatively flat with a slight grade from east to west of 0 to 2 percent. The site would continue to have the same grade following Project construction. The site would require focused grading or surface excavation where the PV module supports would be installed. Approximately 30 acres of grading would be required in the proposed development area for access roads, inverter pads, the potential power storage (BESS) facility, and the substation. One (1) 20- to 40-foot-wide access road would be included along Ave 208 for the northern development area and one (1) 20- to 40-foot-wide access road would be provided along Road 164 for the southern development area of the site. Narrower 20-foot-wide access roads would extend through the middle of the Project site. The soil would be compacted, as required, for access roads, the substation, and inverter pads.

3.4.5 Construction Phasing

3.4.5.1 Phase 1: Site Preparation

Across most of the site, a low-impact mow and roll technique would be used to remove surface vegetation and keep root balls in place. This practice minimizes dust generation and the associated water requirements related to dust suppression. In addition, this practice allows for faster regeneration of vegetation cover than re-seeding alone. In some areas, grubbing and grading would be required to level particularly rough areas of the site and to prepare soils for concrete foundations for the substation equipment and inverters. Access roadbeds would also be grubbed, graded, and compacted. The fence-line would be shallowly excavated and graded to create a level surface for proper fence installation. The site cut and fill would be balanced, and all topsoil would be retained and preserved on-site.

A SWPPP would be prepared by a qualified engineer or erosion control specialist as a condition of approval and would be submitted to the County for review and approval before construction. The SWPPP would be designed to reduce potential impacts related to erosion and surface water quality during construction activities and throughout the operational life of the Project, especially regarding impacts to Inside Creek. It would include Project information and best management practices (BMP) to reduce adverse impacts, such as dewatering procedures, storm water runoff quality control measures, concrete waste management, watering for dust control, and construction of perimeter silt fences, as needed.

3.4.5.2 Phase 2: Photovoltaic Module System

The structure supporting the PV module arrays would consist of steel piles (e.g., cylindrical pipes, H-beams, or similar), which would be driven into the soil using pneumatic techniques to a depth of between 3 and 5 feet. The piles are typically spaced 12.5 feet apart beneath each array, supporting approximately eight (8) modules between each pile. For a fixed tilt mounting system, piles typically would be installed to a reveal height of approximately 4 feet above grade. Some designs allow for PV modules to be secured directly to the torque tubes using appropriate panel clamps. A galvanized metal racking system, which secures the PV modules to the installed foundations, would then be assembled in the field, and attached according to the manufacturer's

guidelines.

3.4.5.3 Phase 3: Inverters, Transformers, Substation, Electrical Collector System and Interconnection

Underground cables to connect panel strings would be installed using standard trenching techniques, which typically include a rubber-tired backhoe excavator or trencher. Wire depths would be in accordance with local, state, and federal requirements, and would likely be buried within excavated trenches approximately 18 inches wide and 3 feet below grade to accommodate the conduits or direct buried cables. Approximately 2 miles of trenching would be required to install the 34.5 kV conduits within the Project site. After excavation, cable rated for direct burial or cables installed inside a PVC conduit would be installed in the trench, and the excavated soil would likely be used to fill the trench and be lightly compressed.

All electrical inverters and the transformer would be placed on concrete foundation structures or steel skids. The concrete foundations would be 1 foot thick with up to 6 inches below ground as needed for stabilization. Commissioning of equipment would include testing, calibration of equipment, and troubleshooting. Upon completion of successful testing, the equipment would be energized. The substation area would be excavated for the transformer equipment. The northern and southern sites' substations would be graded and compacted to an approximately level grade. The foundation for the substations would be formed with plywood and reinforced with structural rebar. A concrete pad would be constructed on each site as a foundation for the substation equipment, and the remaining area would be compacted with gravel or similar surface material.

3.4.6 Hazardous Materials and Waste Management

The Project would not generate, use, or dispose of any hazardous waste during construction activities. Petroleum products would be used on-site. Petroleum products are excluded as hazardous substances. Diesel, oil, and lubricants would be transported to the site in portable containers (e.g., tanks in the pickup trucks for diesel fuel) but would not be stored on-site. If regulated materials (petroleum products) are spilled, measures would be taken to control the extent of the spill, and the appropriate agencies would be notified in accordance with the applicable federal and state regulations. Trucks and construction vehicles would be serviced from off-site facilities. The use, storage, transport, and disposal of hazardous materials used in construction of the facility would be carried out in accordance with federal, state, and County regulations. No extremely hazardous substances (i.e., those governed pursuant to Title 40, Part 335 of the Code of Federal Regulations) are anticipated to be produced, used, stored, transported, or disposed of because of Project construction. Material Safety Data Sheets for all applicable materials present on-site would be made readily available to on-site personnel.

Construction waste would be sorted on-site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from non-recyclable items and stored until they could be transported to a designated recycling facility. It is anticipated that at least 20 percent of construction waste would be recyclable, and 50 percent of those materials would be recycled. Wooden construction waste (such as wood from wood pallets) would be sold, recycled, or chipped and composted.

Non-hazardous construction materials that cannot be reused or recycled would likely be disposed of at the municipal County landfill. Hazardous waste and electrical waste would not be placed in a landfill, but rather would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling facility). All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste.

3.4.7 Soil Conservation

To preserve and restore potential agricultural productivity of the Project site to the existing condition during Project construction and operation, no soils would be exported from the Project site. As previously stated, the Project site is rated as Prime Farmland by NRCS. The prime soil types supported the enrollment of two (2) Project site parcels under Williamson Act contracts for the preservation of agricultural production. As stated above, the relatively flat nature of the site reduces the need for grading which would be limited to approximately 30 acres or less than 15 percent of the Project site, primarily for access roads, substations, and inverter pads. Any soils removed from these areas would be redistributed and retained elsewhere within the Project site (i.e., along solar panel support rack alignments). Beyond grading, soil disturbance would occur in association with trenching for emplacement of electrical conduits along each alignment of panel racks. This trenching would be limited in scale and anticipated to require an 18-inch wide and 3-foot deep trench with a 4-inch conduit cable which is not anticipated to displace significant soils. After the estimated 35-year life of the Project, if solar production is abandoned, the site would be regraded, and any stockpiled soils would be redistributed to permit the site to be returned to agricultural production after potential removal of solar facilities.

3.5 Project Operations

3.5.1 Operations Activities

The substation equipment, inverters, collector system, and PV array systems would be tested prior to commencement of commercial operations. The proposed facility would operate seven (7) days a week and 365 days per year. Remote monitoring of the facility would be conducted utilizing a Supervisory Control and Data Acquisition (SCADA) system. Any minor on-site trash generated through maintenance activities would be hauled away by maintenance crews and disposed of at approved recycling facility or landfill.

3.5.2 Maintenance Workforce and Activities

Project operations and maintenance are anticipated to require up to 500 vehicle trips per year. This estimate includes up to twelve (12) trips per day during 20 total days of panel washing activities per year and approximately five (5) trips per week to address security or maintenance issues; an estimated average of 1.4 trips per day over a typical year. Except for annual (or biannual) panel washing activities, emergency repair events, and occasional security checks, the facility would not require any full-time employees located on or traveling to the site.

PV panel washing would occur approximately 1 to 2 times per year (depending on the amount of rainfall each year) using imported water. The panel washing is like common window washing and would employ no harsh chemicals or solvents. Water trucks would be brought on-site 1 to 2 times per year for the duration of approximately 10 days (20 days per year total).

3.5.3 Project Water Demand

The proposed Project would not require a permanent potable supply of water and would not utilize or develop an on-site surface or groundwater supply over the life of the Project. Water would be imported via haul trucked to the Project site during annual (or biannual) panel washing activities, which are estimated to require approximately 24,000 to 48,000 gallons per year.

3.5.4 Project Wastewater Demand

The proposed Project would not require a permanent liquid waste disposal or treatment system or connection to an existing sewer system. No employees would be located on-site at the Project full-time and would spend extended periods of time on-site only during annual (or biannual) panel washing activities. A temporary portable toilet, serviced by a licensed provider, would be transported to the Project site for employee use and then removed from the Project site for each panel washing activity period.

3.5.5 On-Site Access Road Network

Access to both the northern and southern development areas would occur from Road 152. Access within each proposed development area would occur along 15- to 20-foot-wide maintenance roads between the solar arrays. Three (3) parking spaces are proposed on the graded gravel area adjacent to each proposed substation. All Project site access gates would be equipped with a Knox box permitting emergency fire response.

3.6 Project Site Reclamation

The proposed life of the Project is 35 years. The Applicant would finalize and submit to the County for approval, a Decommissioning and Reclamation Plan, and attendant bond. The Decommissioning and Reclamation Plan would include the methods for removing all solar panels, demolishing, and removing all support racks and structures, and removal of all infrastructure (e.g., roads, foundations), which is assured according to the lease agreement with the property owner and through the agreement on and posting of a reclamation bond with the County. The proposed lease would run for at least 35 years with the potential for renewal.

The Project site would be leveled where needed and the on-site soil would be reclaimed to a condition that would again support agriculture. The Decommissioning and Reclamation Plan would include a summary of specific measures to restore the soil to its pre-Project condition, including removal of all fixtures, equipment, non-agricultural roads, and regrading of compacted soil. Reclamation would be completed within 120 days of the expiration of the County special use permit. The modules and ancillary materials would be sold and reused or recycled to minimize impacts on the environment.

COLDWELL SOLAR
500 Nevio Dr. #100
Rocklin, CA 95765
Phone: 916.435.2900
Fax: 916.435.0782

PROJECT NAME

Tulare 40

16398 Ave. 208
Strathmore, CA 93267

APN: 196 030 004 00

PRELIMINARY

PROPOSED 40 MEGAWATT PROJECT

OVERALL SITE PLAN

SHEET NUMBER
C-000 (3)

COLDWELL SOLAR
500 Menlo Dr. #100
Rocklin, CA 95765
Phone: 916.435.2900
Fax: 916.435.9782

PROJECT NAME

Tulare 40

16398 Ave. 208
Strathmore, CA 93267

APN: 196 030 004 000

N

0 70' 140' 280'
Scale: 1" = 140'

PRELIMINARY

PROPOSED 40 MEGAWATT PROJECT

OVERALL SITE PLAN

SHEET NUMBER
C-000 (3)

COLDWELL SOLAR
500 Menlo Dr. #100
Rocklin, CA 95765
Phone: 916.435.2000
Fax: 916.435.9782

PROJECT NAME

Tulare 40

16398 Ave. 208
Strathmore, CA 93267

APN: 196 030 004 000

PRELIMINARY

PROPOSED 40 MEGAWATT PROJECT

OVERALL SITE PLAN

SHEET NUMBER
C-000 (4)