



8. Environmental Resources Management

The Environmental Resources Management Element is divided into the following sections:

- Biological Resources (Section 8.1)
- Mineral Resources - Surface Mining (Section 8.2)
- Mineral Resources - Other (Section 8.3)
- Energy Resources (Section 8.4)
- Recreation and Open Space Resources (Section 8.5)
- Cultural Resources (Section 8.6)
- Soil Resources (Section 8.7)
- Work Plan/Implementation Measures (Section 8.8)



For water resource issues, see Chapter 11-Water Resources.

Key Terms

The following terms are used throughout this element to describe natural and cultural resource issues.

Active Recreation. This term is used to refer to sites that have been modified with structures or facilities designed for their enjoyment, such as a playground or recreation center.

Agricultural. Agricultural activities are defined to include the production of food, feed, forage, fiber, and oilseed crops and are lands available for use as cropland, pastureland, rangeland, and commercial timber.

Cluster Development. Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open-space area.

Commercial Recreation Facilities. Facilities serving recreational needs but operated for private profit (for example, private campgrounds, riding stables, tourist attractions, amusement parks).

Critical Habitat. Critical habitat is the natural environment designated by the U.S. Fish and Wildlife Service (USFWS), as required for the conservation of a federally listed species. These habitats are specifically protected under the Federal Endangered Species Act (16 USC 1532, 50 CFR 424.02). The designation of a critical habitat is a formal process that involves the posting of a draft proposal in the federal register of the critical habitat designation, a public comment period, and a final determination.

Cultural Resources. Cultural resources consist of tangible or observable evidence of past human activity, found in direct association with a geographic location, including tangible properties possessing intangible, traditional cultural values. Cultural resources may include buildings, structures, objects, sites, areas, places, records, or manuscripts which are historically or archaeologically significant.

Extensive Agriculture. A larger minimum size farm, in extensive exclusive agricultural zoning, to preclude the intrusion of uses which conflict with agriculture and related agricultural-industrial uses, such as animal agriculture, tree crops, and related uses such as feed mills, stock feeding pens or resource oriented uses such as quarries and asphalt manufacture. These are uses which, by their nature, can conflict with adjacent land uses and would, with large surrounding acreages, have whatever nuisance factors that exist ameliorated by space and by minimal conditional controls.

Farmland Security Zone. An area created within an agricultural preserve by a board of supervisors (board) upon request by a landowner or group of landowners. An agricultural preserve defines the boundary of an area within which a city or County will enter into Williamson Act contracts with landowners. The boundary is designated by resolution of the board or city council having jurisdiction. Agricultural preserves are generally at least 100 acres in size.

Intensive Agriculture. An intensive exclusive agricultural district, not with the intent of large lot residential use, but to allow for intensive family-farm or corporate operations which require relatively small acreage, such as horticulture, vineyards, orchards, truck gardening, raising of flower stock or seeds and some animal raising with conditions established to preclude nuisance or hazard to adjoining land owners.



For agricultural terms and policies, see Chapter 3-Agriculture.

Mineral Resources. Mineral resources are defined as naturally occurring materials in the earth that can be utilized for commercial purposes.

MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located. Defined by the State Geologist (also see SMARA).

Paleontological Resources. 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)].

Passive Recreation. Areas used in their natural state with few structures or facilities other than parking and trails.

Recreation Area. Any public or private space set aside or primarily oriented to recreational use.

Ridgeline. A long narrow chain of hills or mountains.

Riparian. The interface between land and a flowing surface water body. They are typically characterized by hydrophilic vegetation and are often subject to flooding. Riparian zones are significant in ecology, environmental management, and civil engineering due to their role in soil conservation, their biodiversity, and the influence they have on aquatic ecosystems. Riparian zones occur in many forms including grassland, woodland, wetland, or even non-vegetative.

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Sensitive Habitat. A sensitive habitat is especially diverse, regionally uncommon, or of special concern to local, State, and Federal agencies. Elimination or substantial degradation of such a community would constitute a significant impact under California Environmental Quality Act (CEQA). The California Department of Fish and Game (CDFG) monitors the condition of some sensitive natural communities in its Natural Diversity Database (NDDB).

Sensitive Natural Community. A sensitive natural community is a biological community that is regionally rare, provides important habitat opportunities for wildlife, or is of special concern to local, State, or Federal agencies. The CEQA identifies the elimination or substantial degradation of such communities as a significant impact (CERES 2004). Based on Federal and State regulations, wetlands and critical habitat are examples of sensitive natural communities.

Surface Mining and Reclamation Act (SMARA). The SMARA (Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.) 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).

Special-Status Species. Special-status species are those plants and animals that, because of their recognized rarity or vulnerability to habitat loss or population decline, are recognized by Federal, State, or other agencies. Some of these species receive specific protection that is defined by Federal or State endangered species legislation. Others have been designated as "sensitive" on the basis of adopted policies and expertise of State resource agencies or organizations with acknowledged expertise, or policies adopted by local governmental agencies such as counties, cities, and special districts to meet local conservation objectives. These species are referred to collectively as "special status species" in this report, following a convention that has developed in practice but has no official sanction. For the purposes of this assessment, the term "special-status" includes those species that are:

- Federally-listed or proposed under the Federal Endangered Species Act (50 CFR 17.11-17.12),
- Candidates for listing under the Federal Endangered Species Act (61 FR 7596-7613),
- State-listed or proposed under the California Endangered Species Act (14 CCR 670.5),
- Species listed by the USFWS or the CDFG as a species of concern or of special concern,
- Fully protected animals, as defined by the State of California (California Fish and Game Code § 3511, 4700, and 5050),
- Species that meet the definition of threatened, endangered, or rare under California Environmental Quality Act (CEQA Guidelines § 15380),
- Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code § 1900 et seq.), and
- Plants listed by the California Native Plant Society (CNPS) as rare, threatened, or endangered (List 1A and List 2 status plants in Skinner and Pavlik 1994).

Vernal Pools. Seasonally flooded depression found on soils with an impermeable layer such as hardpan, claypan, or volcanic basalts. While the pools are shallow enough to dry up each season, the unique soil characteristics allow water to remain in pools longer than surrounding uplands. Plant and animal life within these pools is characterized by species specifically adapted to the cycles of wetting and drying.

Viewshed. A viewshed is the area that can be seen from a given vantage point and viewing direction. A viewshed is composed of foreground items (items close to the viewer) that are seen in detail, and background items (items at some distance from the viewer) that frame the view. If a person is moving, as when traveling along a roadway (a view corridor), the viewshed changes as the person moves, with the foreground items changing rapidly and the background items remaining fairly consistent for a long period of time.

Watercourse. Any river, creek, stream, brook, wash, arroyo, or channel where water flows at least periodically.

Waters of the U.S. This is also a term defined in § 404 of the Clean Water Act, referring to those hydric features that are regulated by the Clean Water Act but are not defined as wetlands (33 CFR 328.4). Waters of the U.S. include lakes, rivers, and intermittent streams. To be considered under the jurisdiction of the Army Corp of Engineers (ACOE), these features must exhibit an identified bed and bank and an ordinary high-water mark. A permit from the ACOE is required under § 404 of the Clean Water Act for any action affecting other waters of the U.S. (33 USC 1344 and EPA 2004).

Waters of the State. This term is defined in the Porter-Cologne Act as "any surface or groundwater, including saline waters, within the boundaries of the State" (California Water Code § 13000 et seq.). Waters of the State includes all wetlands, including those not listed under the Clean Water Act, such as isolated wetlands. The Regional Water Quality Control Board enforces the Porter-Cologne Act and is charged with protecting waters of the State.

Wetlands. The Federal government defines wetlands in Section 404 of the Clean Water Act as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and do support, under normal circumstances) a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b] and 40 CFR 230.3). The definition of wetlands requires three wetland identification parameters are present: wetland hydrology, hydric soils, and hydrophytic vegetation. The ACOE is the responsible agency for regulating wetlands under § 404 of the Clean Water Act, while the Environmental Protection Agency (EPA) has overall responsibility for the Act (ACOE, 2002).

Williamson Act. The Williamson Act, also known as the California Land Conservation Act, is a voluntary program that allows property owners to have their property assessed on the basis of agricultural production rather than current market value. The purpose of the Act is to encourage property owners to continue to use their property in agricultural activities to prevent their premature conversion to urban uses. Also see Farmland Security Zones.

Williamson Act Contract. A contract between a landowner and a city or county to restrict land to agricultural or open space uses in return for lower than normal property tax assessments. The minimum term for a Williamson Act contract is 10 years. Since the term automatically renews on each anniversary date of the contract, the actual term can be indefinite.



For more information on the Williamson Act, see Chapter 3-Agriculture.

Existing Conditions Overview

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. Nestled among the scenic resources provided by its extensive topographic relief (elevations range from approximately 200 feet to the highest point in the

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lower 48 States at 14,505 feet above sea level), Tulare County enjoys a varied landscape exhibiting diverse ecosystems and habitats including the Pacific Flyway. A broad-scale method of classifying the landscape is by eco-region. This method is used by the U.S. Forest Service (USFS) and relates to the California Manual of Vegetation and U.S. Geological Survey (USGS) Major Land Resources Area system. The eco-region approach evaluates the land from a wide range of interrelated environmental variables including topography, soils, hydrology, flora, and fauna.

Tulare County falls into three eco-regions that trend generally north-south. These sections apportion the County in a north-south pattern. The majority of the western portion of the County comprises the Great Valley Section, the majority of the eastern portion of the County falls in the Sierra Nevada Section, and a band between these two sections comprises the Sierra Nevada Foothill Area (USFS 2004).

Mineral Resources. In addition to biological resources, Tulare County also has important mineral resources. 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 and relatively small amounts of chromite, copper, gold, lead, manganese, silver, zinc, barite, feldspar, limestone, and silica.

Aggregate resources are the most valuable mineral resource in the 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 three streams that have provided the main source of high quality sand and gravel in Tulare County to make PCC and AC. They include the Kaweah River, Lewis Creek, and the Tule River. The highest quality deposits are located at the Kaweah and Tule Rivers. Other sources of construction material are also mined in the hard rock deposits of the foothills.

Recreation Resources. For recreation, there are 13 parks that are owned and operated by Tulare County. These parks are quite diverse, ranging from 3 acres to 160 acres in size. In addition to County parks, the County has extensive recreation and open space resources from Sequoia National Forest and Giant Sequoia National Monument to the Sequoia and Kings Canyon National Parks. The only State Park in Tulare County is Colonel Allensworth State Historic Park, which contains a museum and visitor center. The Mountain Home State Forest consists of 4,807 acres of parkland containing a number of Giant Sequoias, and is located just east of the City of Porterville. The Forest is a Demonstration Forest, which is considered timberland that is managed for forestry education, research, and recreation. Two Federal recreational areas are also in Tulare County: Lake Kaweah and Lake Success.

Cultural Resources. 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.

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.

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.

Basic Components of the Environmental Resources Management Element. ERME brings together two mandatory elements of the General Plan as specified by State Law in a single element correlated with other complementary elements of the County's General Plan, including the Agriculture, Scenic Landscapes, and Water Resources Elements. Since each of these components deal with various aspects of the natural environment, they work together to produce environmental policies for the Conservation and Open Space Elements of the General Plan. These plans for open space and conservation emphasize the approach of making use of existing land use trends, providing guides which will encourage land uses that will lead to achievement of these plans, and to use existing regulations, or only slightly adjusted regulations, to achieve the bulk of these plan requirements.

Open Space. Open space is an integral part of the Environmental Resources Management Plan. Open Space as a part of this Environmental Resource Management Element is an expression of the use of open space in conserving, protecting, and enhancing the environment of Tulare County. Open Space is presented in two ways: through narrative and through graphics. A compilation of those aspects of open space which can be graphically portrayed are shown on the map entitled "Plan for Open Space" (Figure 8-1: Plan for Open Space). This is a generalized system-plan which serves as a guide and draws attention to those areas discussed in the narrative section as areas necessary for protection and enhancement of the environment in Tulare County.

The Plan for Open Space locates proposed trail systems, airport clear zones, flood prone areas, agricultural lands, urban lands, State and Federally owned resource protection lands, suggested scenic corridor routes, important waterways, the Tule Indian Reservation, and areas designated as wind-sheds (within which uses should be carefully studied so as not to adversely affect the air resources within urban areas). At the scale of this map, it is impossible to designate precise boundary lines for the different areas; because of this, the map should be used as the beginning reference. Detailed designations are reflected through zoning ordinances which reflect the policies of this element.

Policies are important to the implementation of this plan. Such policies and recommendations should be regarded as a basic part of the Plan for Open Space. They are directly concerned with the protection, conservation, and enhancement of natural resources, agricultural, recreation, scenic, watershed, ground water recharge, and wildlife habitat lands.

The Plan for Open Space further recognizes and plans for implementation of the fundamental concepts that the preservation of open space lands is necessary not only for the maintenance of the economy of the State, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation, and for the use of natural resources. It also discourages premature and unnecessary conversion of open-space lands to urban uses as a matter of public interest and will benefit urban dwellers by discouraging noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.

Conservation. There are many policies throughout this report which are designed to conserve resources through a system of careful development and appropriate utilization of these resources, integrated with multiple uses where possible. Protection and utilization of resources for recreation and open space will result in their conservation.

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Figure 8-1: Plan for Open Space (11x17 fold out)

Back of fold out.

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Conservation of species is provided for in the many recommendations for preservation of wildlife habitat, as well as provision for new areas for this use; the identification of endangered species and their special habitat areas, wildlife preserves, recommendations for controlled use of wildlands and other open space areas; and recommendations for conservation of the diversified life style environments and economic aspects of Tulare County.

Recreation. Another part of this General Plan addresses the recreational needs of the residents of Tulare County. This plan is provided for all socio-economic levels and in diverse locations so that everyone may have accessibility. Recreation and park sites are also open space so that they can be considered as implementation devices for a part of the Plan for Open Space. This reinforces the concept that the more related uses that can be found for a land parcel, the easier its preservation and conservation can be justified. Further, open land use for economically sound purposes has a higher probability of remaining in open space use. Recreational sites often provide wildlife habitat, vegetation to mitigate air pollution, and in some cases aquifer recharge areas or watershed protection, sometimes in addition to agricultural or forestry based economic returns.

Through designation of significant open space areas, which can be utilized for recreational purposes, and with the establishment of protective zoning, the recreational needs of the citizens of the County will be met.

8.1 Biological Resources

ERM-1

To preserve and protect sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.

ERM-1.1 Protection of Rare and Endangered Species

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.

ERM-1.2 Development in Environmentally Sensitive Areas

The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize erosion and maximize beneficial vegetative growth.

ERM-1.3 Encourage Cluster Development

When reviewing development proposals, the County shall encourage cluster development in areas with moderate to high potential for sensitive habitat.

ERM-1.4 Protect Riparian Areas

The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.

ERM-1.5 Riparian Management Plans and Mining Reclamation Plans

The County shall require mining reclamation plans and other management plans to include measures that protect, maintain, and restore riparian resources and habitats.

ERM-1.6 Management of Wetlands

The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.

ERM-1.7 Planting of Native Vegetation

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.

ERM-1.8 Open Space Buffers

The County shall require buffer areas between development projects and significant watercourses, riparian vegetation, wetlands, and other sensitive habitats and natural communities. These buffers should be sufficient to assure the continued existence of the waterways and riparian habitat in their natural state.

ERM-1.9 Coordination of Management on Adjacent Lands

The County shall work with other government land management agencies (such as the Bureau of Land Management, US Forest Service, National Park Service) to preserve and protect biological resources, including those within and adjacent to designated critical habitat, reserves, preserves, and other protected lands, while maintaining the ability to utilize and enjoy the natural resources in the County.

ERM-1.10 Appropriate Access for Recreation

The County shall encourage appropriate access to resource-managed lands.

ERM-1.11 Hunting and Fishing

The County shall provide opportunities for hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish & Game Code.

ERM-1.12 Management of Oak Woodland Communities

The County shall support the conservation and management of oak woodland communities and their habitats.

ERM-1.13 Pesticides

The Tulare County Agricultural Commissioner/Sealer will cooperate with State and Federal agencies in evaluating the side effects of new materials and techniques in pesticide controls to limit effects on natural resources.

ERM-1.14 Mitigation and Conservation Banking Program

The County shall support the establishment and administration of a mitigation banking program, including working cooperatively with TCAG, Federal, State, not-for-profit and other agencies and groups to evaluate and identify appropriate lands for protection and recovery of threatened and endangered species impacted during the land development process.

ERM-1.15 Minimize Lighting Impacts

The County shall ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent natural areas at a level greater than one foot candle above ambient conditions.

ERM-1.16 Cooperate with Wildlife Agencies

The County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas.

ERM-1.17 Conservation Plan Coordination

The County shall coordinate with local, State, and federal habitat conservation planning efforts (including Section 10 Habitat Conservation Plan) to protect critical habitat areas that support endangered species and other special-status species.

8.2 Mineral Resources – Surface Mining

ERM-2

To conserve protect and encourage the development of areas containing mineral deposits while considering values relating to water resources, air quality, agriculture, traffic, biotic, recreation, aesthetic enjoyment, and other public interest values.

ERM-2.1 Conserve Mineral Deposits

The County will encourage the conservation of identified and/or potential mineral deposits, recognizing the need for identifying, permitting, and maintaining a 50 year supply of locally available PCC grade aggregate.

ERM-2.2 Recognize Mineral Deposits

The County will recognize as a part of the General Plan those areas of identified and/or potential mineral deposits.



See Figure 8-2: Tulare County Mineral Resource Zones on the next page.

ERM-2.3 Future Resource Development

The County will provide for the conservation of identified and/or potential mineral deposits within Tulare County as areas for future resource development. Recognize that mineral deposits are significantly limited within Tulare County and that they play an important role in support of the economy of the County.

ERM-2.4 Identify New Resources

The County will encourage exploration, evaluation, identification, and development of previously unrecognized but potentially significant hard rock resources for production of crushed stone aggregate.

ERM-2.5 Resources Development

The County will promote the responsible development of identified and/or potential mineral deposits.

ERM-2.6 Streamline Process

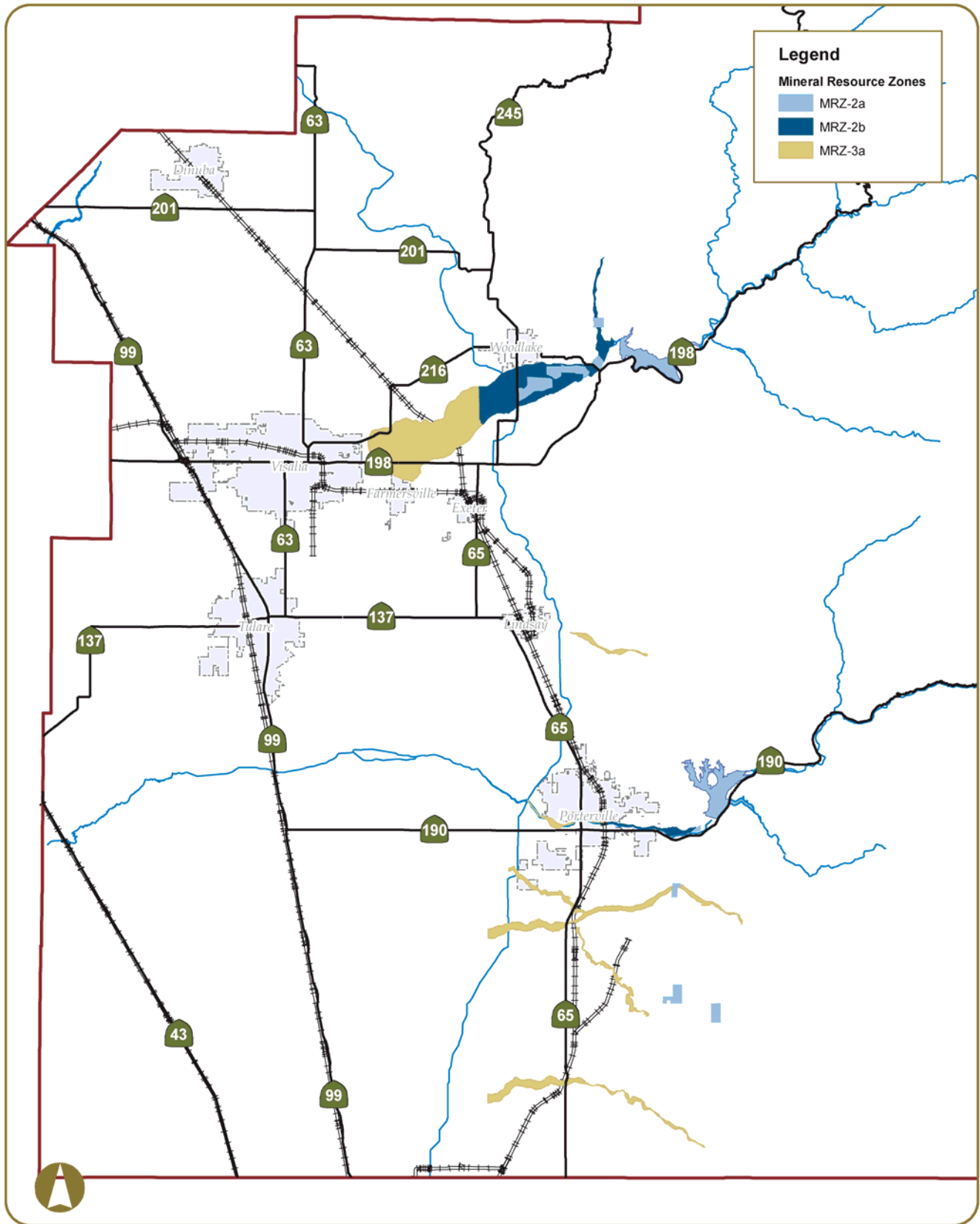
The County will create a streamlined and timely permitting process for the mining industry, which will help encourage long-range planning and the reasonable amortization of investments.

ERM-2.7 Minimize Adverse Impacts

The County will minimize the adverse effects on environmental features such as water quality and quantity, air quality, flood plains, geophysical characteristics, biotic, archaeological, and aesthetic factors.

ERM-2.8 Minimize Hazards and Nuisances

The County will minimize the hazards and nuisances to persons and properties in the area during extraction, processing, and reclamation operations.



Tulare County
Mineral Resource Zones

Figure 8-2

ERM-2.9 Compatibility

The County will encourage the development of mineral deposits in a manner compatible with surrounding land uses.

ERM-2.10 Incompatible Development

Proposed incompatible land uses in the County shall not be on lands containing or adjacent to identified mineral deposits, or along key access roads, unless adequate mitigation measures are adopted or a statement of overriding considerations stating public benefits and overriding reasons for permitting the proposed use are adopted.

ERM-2.11 Conditions of Approval

The County shall establish procedures to ensure compliance with conditions of approval on all active and idle mines.

ERM-2.12 Approved Limits

Tulare County will establish procedures to ensure that vested interest mining operations remain within their approved area and/or production limits.

ERM-2.13 SMARA Requirements

All surface mines in the County, unless otherwise exempted, shall be subject to reclamation plans that meet SMARA requirements. Reclamation procedures shall restore the site for future beneficial use of the land consistent with the Tulare County General Plan, subsequent to the completion of surface mining activities. Mine reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.

8.3 Mineral Resources – Other

ERM-3

To protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.

ERM-3.1 Environmental Contamination

All mining operations in the County shall be required to take precautions to avoid contamination from wastes or incidents related to the storage and disposal of hazardous materials, or general operating activity at the site.

ERM-3.2 Limited Mining in Urban Areas

Within the County UDBs and HDBs, new commercial mining operations should be limited due to environmental and compatibility concerns.

ERM-3.3 Small-Scale Oil and Gas Extraction

The County shall allow by Special Use Permit small-scale oil and gas extraction activities and facilities that can be demonstrated to not have a significant adverse effect on surrounding or adjacent land and are within an established oil and gas field outside of a UDB.

ERM-3.4 Oil and Gas Extraction

Facilities related to oil and gas extraction and processing in the County may be allowed in identified oil and gas fields subject to a special use permit. The extraction shall demonstrate that it will be compatible with surrounding land uses and land use designations.

ERM-3.5 Reclamation of Oil and Gas Sites

The County shall require the timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the land to its primary land use as designated by the General Plan. Reclamation costs shall be borne by the mine operator, and guaranteed by financial assurances set aside for restoration procedures.

8.4 Energy Resources

ERM-4

To encourage energy conservation in new and existing developments throughout the County.

ERM-4.1 Energy Conservation and Efficiency Measures

The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.

ERM-4.2 Streetscape and Parking Area Improvements for Energy Conservation

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.

ERM-4.3 Local and State Programs

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.

ERM-4.4 Promote Energy Conservation Awareness

The County should coordinate with local utility providers to provide public education on energy conservation programs.

ERM-4.5 Advance Planning

The County shall participate with energy providers in identifying long range energy strategies and facilities.

ERM-4.6 Renewable Energy

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.

ERM-4.7 Reduce Energy Use in County Facilities

Continue to integrate energy efficiency and conservation into all County functions.

ERM-4.8 Energy Efficiency Standards

The County shall encourage renovations and new development to incorporate energy efficiency and conservation measures that exceed State Title 24 standards. When feasible, the County shall offer incentives for use of energy reduction measures such as expedited permit processing, reduced fees, and technical assistance.

8.5 Recreation and Open Space Resources

ERM-5

To provide a parks, recreation, and open space system that serves the recreational needs of County residents and visitors, with special emphasis on recreation related to Environmental Resources Management.

ERM-5.1 Parks as Community Focal Points

The County shall strengthen the role of County parks as community focal points by providing community center/recreation buildings to new and existing parks, where feasible.

ERM-5.2 Park Amenities

The County shall provide a broad range of active and passive recreational opportunities within community parks. When possible, this should include active sports fields and facilities, community center/recreation buildings, children's play areas, multi-use areas and trails, sitting areas, and other specialized uses as appropriate.

ERM-5.3 Park Dedication Requirements

The County shall require the dedication of land and/or payment of fees, in accordance with local authority and State law (for example the Quimby Act), to ensure funding for the acquisition and development of public recreation facilities.

ERM-5.4 Park-Related Organizations

The County shall consider the use of existing entities or the creation of assessment districts, landscape and lighting districts, County service areas, community facilities districts, homeowners associations, or other types of districts to generate funds for the acquisition and development of parkland and/or historical properties as development occurs in the County.

ERM-5.5 Collocated Facilities

The County shall encourage the development of parks near public facilities such as schools, community halls, libraries, museums, prehistoric sites, and open space areas and shall encourage joint-use agreements whenever possible.

ERM-5.6 Location and Size Criteria for Parks

Park types used in Tulare County are defined as follows:

- **Neighborhood Play Lots (Pocket Parks).** The smallest park type, these are typically included as part of a new development to serve the neighborhood in which they are contained. Typical size is one acre or less. If a park of this type is not accessible to the general public, it can not be counted towards the park dedication requirements of the County. Pocket Parks can be found in communities, hamlets, and other unincorporated areas.
- **Neighborhood Parks.** Neighborhood parks typically contain a tot lot and playground for 2-5 year olds and 5-12 year olds, respectively, one basketball court or two half-courts, baseball field(s), an open grassy area for informal sports activities (for example, soccer), and meandering concrete paths that contain low-level lighting for walking or jogging. In addition, neighborhood parks typically have picnic tables and a small group picnic shelter. These park types are typically in the range of 2 to 15 acres and serve an area within a ½ mile radius. Neighborhood parks can be found in communities, hamlets, and other unincorporated areas.

- **Community Parks.** Community parks are designed to serve the needs of the community as a whole. These facilities can contain the same facilities as the neighborhood park. In addition, these parks can contain sports facilities with night lighting, community centers, swimming pools, and facilities of special interest to the community. These parks are typically 15 to 40 acres in size and serve an area within a 2 mile radius. Community parks can be found in communities, planned community areas, and large hamlets.
- **Regional Parks.** Regional parks are facilities designed to address the needs of the County as a whole. These facilities may have an active recreation component (play area, group picnic area, etc.), but the majority of their area is maintained for passive recreation (such as hiking or horseback riding), and natural resource enjoyment. Regional parks are typically over 200 acres in size, but smaller facilities may be appropriate for specific sites of regional interest.

The following guidelines should be observed in creating and locating County parks:

1. The County shall strive to maintain an overall standard of five or more acres of County-owned improved parkland per 1,000 population in the unincorporated portions of the County,
2. Neighborhood play lots (pocket parks) are encouraged as part of new subdivision applications as a project amenity, but are not included in the calculation of dedication requirements for the project,
3. Neighborhood parks at three acres per 1,000 population, if adjoining an elementary school and six acres per 1,000 population if separate [ERME IV-C; Open Space; Policy 3; Pg. 101],
4. Community parks at one-acre per 1,000 population if adjoining a high school and two acres per 1,000 population if separate [ERME IV-C; Open Space; Policy 4; Pg. 101],
5. Regional parks at one-acre per 1,000 population,
6. Only public park facilities shall be counted toward Countywide parkland standards, and
7. A quarter mile walking radius is the goal for neighborhood parks.



See Chapter 14-Public Facilities, Section 14.1: General, for information on funding mechanisms for parks.

ERM-5.7 Public Water Access

The County shall give a high priority to the acquisition of public access rights to water courses. Acquisition of multi-purpose sites, such as the protection of drainage ways, wildlife habitats, and scenic assets, shall be encouraged. In the lakefront areas of Lake Success and Lake Kaweah, special consideration should be given to matching recreational needs of the community with lake access.

ERM-5.8 Watercourse Development

The County, in approving recreational facilities along major watercourses, shall require a buffer of at least 100 feet from the high-water line edge/bank and screening vegetation as necessary to address land use compatibility issues. The establishment of a buffer may not be required when mitigated or may not apply to industrial uses that do not impact adjoining uses identified herein.

ERM-5.9 Encourage Development of Private Recreation Facilities

The County should encourage private interests to establish new commercial recreation opportunities in the County. The intensity of such development should not exceed the ability of the natural environment of the site and its surroundings to accommodate the new development and should be compatible with surrounding land uses.

Such facilities may include, but are not limited to, campgrounds, destination resorts, hotels, ball courts, skeet clubs and facilities, hunting and fishing clubs, equestrian facilities, and recreational camps.

ERM-5.10 Recreational Facilities for Special Use Groups

The County should encourage the provision of recreation facilities and activities for special use groups such as physically disabled, mentally handicapped, and senior citizens.

ERM-5.11 Cooperation with Federal and State Agencies

The County shall work with Federal and State agencies that manage land within the County, as appropriate.

ERM-5.12 Meet Changing Recreational Needs

The County shall promote the continued and expanded use of national and State forests, parks, and other recreational areas to meet the recreational needs of County residents.

ERM-5.13 Funding for Recreational Areas and Facilities

The County shall support the continued maintenance and improvement of existing recreational facilities and expansion of new recreational facilities opportunities for County, State, and Federal lands. The County shall strive to obtain adequate funding to improve and maintain existing parks, as well as construct new facilities.

ERM-5.14 Park Design

The County shall make efforts to involve community members in the design and development of park facilities.

ERM-5.15 Open Space Preservation

The County shall preserve natural open space resources through the concentration of development in existing communities, use of cluster development techniques, maintaining large lot sizes in agricultural areas, discouraging conversion of lands currently used for agricultural production, limiting development in areas constrained by natural hazards, and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production.

ERM-5.16 Regional Recreation Planning

Tulare County shall, on a cooperative, regionally planned basis, provide for regional recreation needs in fair proportion to the demand from each County, specifically Fresno, Kings, and Kern Counties.

ERM-5.17 Activity Prioritization

Where necessary, one or more conflicting recreational uses shall be restricted, or prohibited, and a priority of uses established. This is particularly important in water-oriented sports, where such uses as power-boating, swimming, sailing, canoeing, water skiing, skin diving, and fishing all compete for the same water and cannot safely co-exist if concentrations become too great.

ERM-5.18 Night Sky Protection

Upon demonstrated interest by a community, mountain service center, or hamlet the County will determine the best means by which to protect the visibility of the night sky.

ERM-5.19 Interagency Cooperation

The County shall cooperate with Federal land management agencies to develop and promote the establishment of Three Rivers and Springville as gateway communities.

ERM-5.20 Allowable Uses on Timber Production Lands

The County shall allow uses (not related to forest production) on lands designated Resource Conservation in forestry production areas, provided it is demonstrated that:

1. They are compatible with forestry uses,
2. Will not interfere with forest practices,
3. Consider forest site productivity and minimize the loss of productive forest lands,
4. Will meet standards relating to the availability of fire protection, water supply, and waste disposal, and
5. Will not degrade the watershed and/or water quality due to increased erosion.

8.6 Cultural Resources

ERM-6

To manage and protect sites of cultural and archaeological importance for the benefit of present and future generations.

ERM-6.1 Evaluation of Cultural and Archaeological Resources

The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards.

ERM-6.2 Protection of Resources with Potential State or Federal Designations

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

ERM-6.3 Alteration of Sites with Identified Cultural Resources

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

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.

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ERM-6.5 Cultural Resources Education Programs

The County should support local, State, and national education programs on cultural and archaeological resources.

ERM-6.6 Historic Structures and Sites

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

ERM-6.7 Cooperation of Property Owners

The County should encourage the cooperation of property owners to treat cultural resources as assets rather than liabilities, and encourage public support for the preservation of these resources.

ERM-6.8 Solicit Input from Local Native Americans

The County shall continue to solicit input from the local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

ERM-6.9 Confidentiality of Archaeological Sites

The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.

ERM-6.10 Grading Cultural Resources Sites

The County shall ensure all grading activities conform to the County's Grading Ordinance and California Code of Regulations, Title 20, § 2501 et. seq..

8.7 Soil Resources

ERM-7 To preserve and protect soil resources in the County for agricultural and timber productivity and protect public health and safety.

ERM-7.1 Soil Conservation

The County of Tulare shall establish the proper controls and ordinances for soil conservation.

ERM-7.2 Soil Productivity

The County shall encourage landowners to participate in programs that reduce soil erosion and increase soil productivity. To this end, the County shall promote coordination between the Natural Resources Conservation Service, Resource Conservation Districts, UC Cooperative Extension, and other similar agencies and organizations.

ERM-7.3 Protection of Soils on Slopes

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.



Other policies relating to slopes can be found in (Part I) Chapter 4-Land Use, Policy LU-1.7: Development on Slopes and (Part II) Chapter 3-Foothill Growth Management Plan, Policy FGMP-8.11: Development on Slopes.

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8.8 Work Plan/Implementation Measures

The following table documents the Implementation Measures included with the General Plan to implement the goals and policies included in this Element.

| Implementation | Implements what Policy | Who is Responsible | 2012-2015 | 2015-2020 | 2020-2030 | On-Going |
|---|------------------------|--------------------|-----------|-----------|-----------|----------|
| 1. The County shall encourage and support public education that will alert citizens of the County to the types of plant and animal life which need protection and preservation. Methods of public education could include printed material, speakers, and displays, made available through the news media, local educators, County facilities (such as libraries), or the internet. | ERM-1.1 | RMA | ■ | | | ■ |
| 2. The County shall review development proposals against the California Natural Diversity Data Base, and other available studies provided by the California Department of Fish and Game, and consult, as appropriate, with the California Department of Fish and Game and U.S. Fish and Wildlife to assist in identifying potential conflicts with sensitive natural communities or special status species. | ERM-1.1 ERM-1.2 | RMA, Planning | | | | ■ |
| 3. On project sites that have the potential to contain species of local or regional concern, sensitive natural communities or special-status species, the County shall require the project applicant to have the site surveyed and mapped by a qualified biologist. A report on the finding of this survey shall be submitted to the County as part of the application and environmental review process. | ERM-1.1 ERM-1.2 | RMA, Planning | | | | ■ |
| 4. Where sensitive habitat for special status species is found to exist on a site and biological survey validates that such habitat does exist and there is the potential for occurrences of special status species to be found, the County shall require a plan to protect these areas, with | ERM-1.1 ERM-1.2 | RMA, Planning | | | | ■ |

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| Implementation | Implements what Policy | Who is Responsible | 2012-2015 | 2015-2020 | 2020-2030 | On-Going |
|---|---|--------------------|-----------|-----------|-----------|----------|
| assurances to protect these areas to be submitted prior to the time of construction. Such plan shall first recommend avoidance where at all feasible. When avoidance is infeasible, the County shall consider a variety of optional measures to limit the loss of habitat, including modification of the proposal or other such acceptable practice as identified in a biological study conducted by an environmental professional. | | | | | | |
| 5. The County shall work cooperatively with the California Department of Fish and Game to develop a joint study which will identify in Tulare County the following: | ERM-1.1 ERM-1.2 ERM-1.4 ERM-1.6 ERM-1.7 ERM-1.8 ERM-1.9 ERM-1.12 | RMA, Planning | ■ | | | |
| a. Significant habitat to be preserved in a natural state for the survival of rare and endangered species, | | | | | | |
| b. Fish and game habitat desirable for meeting the quantity of demand for fishing and hunting, and | | | | | | |
| c. Wildlife habitat needed for meeting the quantity of demand for recreational, educational and scientific observation, scenic enjoyment and appreciation of open space. | | | | | | |
| 6. On project sites with the potential to contain wetland resources, a wetland delineation study shall be prepared using the protocol defined by the Army Corps of Engineers. A report on the findings of this survey shall be submitted to the County as part of the application process and environmental review process. | ERM-1.1 ERM-1.2 ERM-1.6 | RMA, Planning | | | | ■ |
| 7. The County shall utilize provisions within the Zoning Ordinance to designate Resource Conservation Areas designed to protect natural habitats as those areas are identified over time. | ERM-1.1 ERM-1.4 ERM-1.5 ERM-1.6 | RMA, Planning | | ■ | | |
| 8. If feasible and needed, the County shall develop and | ERM-1.14 | RMA, Planning | | ■ | | |

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| administer a mitigation banking program in conjunction with TCAG and other stake holders. | | | ■ | | | |
| 9. The County shall incorporate into the Zoning Ordinance requirements for the dedication of buffers as public open space for riparian and wetland areas for development or other discretionary permits where the development or activity will impact a riparian area. Special attention should be given to preservation of trout habitat. Buffer requirements should be measured from the edge of the riparian area and set at distances recommended by biological studies of the site. | ERM-1.4 ERM-1.6 ERM-1.8 | RMA, Planning | ■ | | | |
| 10. The County shall actively pursue a program of acquisition or preservation of vernal pools. This can be done through a variety of mechanisms, including establishing a mitigation banking program, conservation easements, and trusts. | ERM-1.6 | RMA, Planning | | ■ | | ■ |
| 11. The County shall continue efforts to maintain and enlarge wetland preserves, which provide waterfowl habitat necessary to the maintenance of the flyway route through the valley. Such wetlands should also be protected through stormwater management programs, erosion control, and public education. | ERM-1.6 | RMA, Planning | ■ | | | |
| 12. The County shall develop a list of native vegetation to be used as a landscape pallet for use by citizens and developers. | ERM-1.7 | RMA, Planning | ■ | | | |
| 13. The County shall classify and preserve private lands which are prime timber lands and reserve them for that use, while at the same time, encouraging compatible recreation and open space uses. | ERM-1.10 | RMA, Planning | | ■ | | ■ |
| 14. The County shall ensure that the provisions of Public Resources Code § 21083.4 are followed when evaluating projects in areas containing oak woodlands. | ERM-1.12 | RMA, Planning | | | | ■ |

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|---|--|--|------------------|------------------|------------------|-----------------|
| 15. The County shall work with stakeholders to determine the feasibility of adopting an oak woodlands management plan pursuant to the Oak Woodlands Conservation Act of 2001. The purpose will be to qualify for grant funding to support and encourage voluntary long term private stewardship and conservation of California's oak woodlands. | ERM-1.12 | RMA, Planning | | ■ | | |
| 16. The County shall establish a program to require the replacement planting of native oaks where oak woodlands are proposed for alteration by development projects. | ERM-1.12 | RMA, Planning | ■ | | | |
| 17. The County shall continue its enforcement program that provides consequences for the destruction of wildlife, natural biological control organisms, and other damages beyond the boundaries of the control area resulting from the inappropriate application of pesticides or herbicides. This should include damages caused by wind drift, also those caused by irrigation waters impregnated with pesticides or herbicides, which are ejected into waterways and public bodies. | ERM-1.13 | Env. Health; Agricultural Commissioner/ Sealer | ■ | | | |
| 18. The County shall promote a public relations program which will explain typical agricultural operations and the County's Right to Farm Ordinance. | ERM 1.13 AG-1.14 | RMA, Planning | ■ | | | |
| 19. Tulare County shall establish procedures to allow for the timely recognition of identified and/or potential mineral deposits to be recognized by the Board of Supervisors, so that said deposits may be protected from future incompatible land uses. | ERM-2.1 ERM-2.2 ERM-2.3 | RMA, Planning | | ■ | | |
| 20. RMA staff shall report annually to the Planning Commission and Board of Supervisors with updated information from the California Geological Survey on the following: 1) update annual production/consumption figures for construction grade rock, | ERM-2.1 ERM-2.2 ERM-2.3 ERM-2.4 | RMA, Planning | | ■ | | |

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| sand and gravel usage in Tulare County; 2) projected 50 year requirements for construction grade rock, sand and gravel in Tulare County; 3) update actual permitted reserves in Tulare County and the status of any pending applications for new mining permits or modification of existing permits; and 4) summary of projected remaining life of permitted reserves in Tulare County. | | | | | | |
| 21. The location of potential alluvial and hard rock mineral deposits shall be incorporated as part of the ERM Element of the Tulare County General Plan by amendment to the Mineral Resource Zones Map: Figure 8-1, with property specific overlays. | ERM-2.1 ERM-2.2 ERM-2.3 ERM-2.4 ERM-2.9 | RMA, Planning | | ■ | | |
| 22. The County shall coordinate with the Office of Mine Reclamation, California Department of Conservation, and the State Geological Survey on projects which may threaten the potential to extract mineral resources.. | ERM-2.1 ERM-2.2 ERM-2.3 ERM-2.4 ERM-2.9 | RMA, Planning | | | | ■ |
| 23. Tulare County shall establish procedures to provide for a thorough and comprehensive pre-application process that will allow for a more predictable surface mine and reclamation permitting process. | ERM-2.6 | RMA, Planning | | ■ | | |
| 24. Tulare County shall establish procedures to provide for minor modifications to surface mining permits and reclamation plans, provided the modifications do not materially affect the determination of the decision-making administrative approvals. Such modifications shall be noted on the approved plans and shall be initialed by the Resource Management Agency Director or designee. Any proposed modifications that change conditions of approval will require public notice. | ERM-2.6 | RMA, Planning | | ■ | | |
| 25. Tulare County shall establish procedures to bring a surface mining operation into | ERM-2.6 | RMA, Planning | | | | ■ |

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| compliance in the event it fails to comply with any conditions of approval. Procedures shall be established to promptly abate illegal mining operations conducted without permits. | | | | | | |
| 26. Tulare County shall establish procedures to allow the Planning Commission to approve certain types of mining permits and reclamation plans. | ERM-2.6 | RMA, Planning | | ■ | | |
| 27. Tulare County shall devise procedures as part of the Zoning Ordinance update to mitigate significant conflicts arising from incompatible land uses. | ERM-2.7 ERM-2.8 ERM-2.9 ERM-2.10 | RMA, Planning | | ■ | | |
| 28. Conditions to minimize or eliminate the potential adverse impact of development on identified and/or potential mineral deposits and surrounding properties, covering such issues as access, traffic noise, air quality, water quality and quantity, public health and safety, aesthetics, natural resources, and the socioeconomic setting, pursuant to CEQA and SMARA, should be imposed as a part of the permit process. | ERM-2.8 ERM-2.9 ERM-2.10 ERM-2.11 | RMA, Planning | | | | ■ |
| 29. Areas containing mineral springs and seeps, where such seeps and springs appear to be vital to the continuation of wildlife in the area, shall be protected. Protection techniques may include avoidance and or setback requirements. | ERM-2.7 ERM-2.8 ERM-3.1 | RMA, Planning | ■ | | | |
| 30. When considering developments proposed for areas adjacent to the Kaweah and Tule Rivers, Lewis Creek, and other waterways with aggregate potential, such development shall be planned to not hinder future extraction of these commercially important minerals. | ERM-2.9 ERM-2.10 | RMA, Planning | | | | ■ |
| 31. Tulare County shall establish criteria for all new surface mining permits so as to guide mineral deposit development toward areas containing compatible land uses. | ERM-2.10 | RMA, Planning | | ■ | | |

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| Implementation | Implements what Policy | Who is Responsible | 2012-2015 | 2015-2020 | 2020-2030 | On-Going |
|--|------------------------|--------------------|-----------|-----------|-----------|----------|
| 32. The Planning staff shall periodically review the standard conditions of approval for surface mine and reclamation plans. | ERM-2.11 | RMA, Planning | | | | ■ |
| 33. The County shall reference proposed conditions of approval recommended by the former members of the Mineral Resources Policy Advisory Committee (MRPAC) in June 2006, during permit review. Conditions should be imposed as a part of the permit application process which considers the potentially adverse environmental effects of surface mining operations, pursuant to CEQA. (1) When the initial study and/or scoping process indicates the possibility of adverse impacts to water resources, including surface and underground water, no surface mining permit or reclamation plan shall be approved until the applicant has provided: a. A geological-hydrological report prepared by a qualified and impartial consultant retained by the County, and paid for by the applicant which identifies all the hydrologic and geologic features pertinent to water resources and the potential adverse quality, quantity, and flood-related risks. The County shall provide for professional independent peer review of such reports. b. The geological-hydrological report shall identify mitigation measures necessary to achieve quality and quantity characteristics of water resources at levels deemed acceptable by State and Federal water regulatory agencies, and in line with local historical data and in conformance with water rights law. | ERM-2.11 | RMA, Planning | | | | ■ |

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|---|-----------------------------|--------------------|-----------|-----------|-----------|----------|
| 34. Tulare County may enter into Memorandums of Understanding (MOUs), or develop other protocols for coordination with agencies of jurisdiction for the purposes of coordinating and simplifying the administration and processing of both SMARA and California Environmental Quality Act documents. | ERM-2.11 ERM-2.12 | RMA, Planning | | | | ■ |
| 35. An initial review of compliance shall be conducted by the Tulare County Resource Management Agency Director or designee six months after the granting of a SMARA permit. Annual reviews shall be conducted throughout the life of the permit thereafter. | ERM-2.12 | RMA, Planning | | | | ■ |
| 36. Tulare County shall include a statement of purpose in the Tulare County SMARA Ordinance describing the role of surface mining in the local economy, as well as the benefits of appropriate reclamation, as defined by SMARA regulations and guidelines. | ERM-2.13 | RMA, Planning | ■ | | | |
| 37. Tulare County shall establish procedures to assure compliance with State SMARA review requirements. | ERM-2.13 | RMA, Planning | | | | ■ |
| 38. For all new mining operations or expansions requiring new or amended permits from the County, the County will require submittal and approval of a reclamation plan, in accordance with SMARA requirements. Reclamation should be done on a phased basis as extraction from phases are completed (as opposed to reclamation at the end closure of the mine). | ERM-2.11 ERM-2.13 | RMA, Planning | | | | ■ |
| 39. Tulare County shall evaluate all new surface mining permits and/or reclamation plans through the CEQA process, focusing on water resources, air quality, agriculture, traffic, biotic, recreation, aesthetic enjoyment, and other public interest values. | ERM-3.1 | RMA, Planning | | | | ■ |
| 40. The County shall encourage and assist community service districts (CSD), or similar local | ERM-5.1 thru ERM-5.18 | RMA, Planning | | | | ■ |

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| entities to assume parkland acquisition, development, operations, and maintenance functions in established areas. | | | | | | |
| 41. When appropriate, based on the size of the development or if new park facilities are installed as part of an approved residential project, the County shall require the creation of a service district or landscaping and lighting district to maintain the park and its facilities. | ERM-5.1 thru ERM-5.17 ERM-5.4 | RMA, Planning | | | | ■ |
| 42. The County Board of Supervisors shall establish and adjust, as appropriate, a park development impact fee based on a level of service to provide for funding that meets the actual cost, park acquisition, and development. | ERM-5.3 ERM-5.6 | RMA, Planning | | | | ■ |
| 43. Access to suitable recreation land shall be obtained through various types of acquisition and public-private joint agreement arrangements, as applicable. Maximum efforts should be concentrated upon acquisition of recreation sites within one hour's travel time from urban concentrations throughout the County and sites that can be developed for intensive use. | ERM-5.6 ERM-5.10 | RMA, Planning | | | | ■ |
| 44. The County shall develop shoreline development standards regulating uses along water courses and waterways, such as well drilling, location of septic tanks, building setbacks, lot sizes, public access, and encouragement of protection of scenic and recreational assets in conformance with Government Code § 66478(a). | ERM-5.8 | RMA, Planning | ■ | | | |
| 45. Developers of new subdivisions who propose to build public recreation facilities shall be required to post adequate bonds or cash deposits to assure completion of the entire facility to ensure long term maintenance. | ERM-5.13 | RMA, Planning | | | | ■ |
| 46. Tulare County should initiate the development of a park master plan to cover facilities needed to | ERM-5.10 | RMA, Planning; Parks | ■ | | | |

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| serve the unincorporated communities, hamlets, and regional park needs in the County. Emphasis should be given to classifying and quantifying the present and future needs of all socio-economic groups and visitors, with special emphasis on deficiencies in recreation for low-income residents. An inventory of potential park and recreation areas should be made and a program of priorities established with proposed methods of financing. | | | | | | |
| 47. Scenic and open space easements shall be acquired through subdivision and development approvals including, but not limited to, wooded areas, flood plains, scenic and historic sites, shorelines, and other recreation areas. | ERM-5.15 | RMA, Planning | | | | ■ |
| 48. The County should consider other tools in addition to the continued implementation of the Williamson Act program as part of its open space and protection program, such as transfer of development rights. | ERM-5.15 | RMA, Planning | | | | ■ |
| 49. The County shall incorporate provisions into development regulations that in the event archaeological and/or buried historic resources are discovered during site excavation, grading, or construction, work on the site will be suspended until the significance of the features can be determined by a qualified archaeologist. If significant resources are determined to exist, the archaeologist shall make recommendations for protection or recovery of the resource. | ERM-6.1 ERM-6.2 ERM-6.3 ERM-6.4 ERM-6.9 | RMA, Planning | ■ | | | |
| 50. The County should establish and maintain a Historic Site Preservation Committee. This committee should include representatives from each community that have an interest | ERM-6.2 ERM-6.6 ERM-6.8 | RMA, Planning | ■ | | | |

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| <p>in and knowledge of historic preservation. Activities of the committee include:</p> <ul style="list-style-type: none"> a. Inventory historical sites and buildings worthy of preservation. b. Advisory group to the Board of Supervisors and the Planning Commission. c. Review and comment on development proposals that threaten to encroach on historical assets. d. Determine appropriate locations for potential status as a Certified Local Government (CLG). | | | | | | |
| <p>51. The County shall maintain Countywide coverage of soil resources (Soil Conservation Service) in order to assure detailed and up-to-date mapping. Mapping should identify areas of:</p> <ul style="list-style-type: none"> a. Soil and rock units that will support large structures without costly and special engineering design, b. Soils that present foundation problems because of excess plasticity, high shrink-swell properties, saturation with large volumes of water, or subsidence danger resulting from either too much or too little water, c. Highly corrosive soil and rock units, d. Highly acid or alkaline soils, and e. Location of oil and mining resources. | ERM-7.1 ERM-7.2 | RMA, Planning | | ■ | | |
| <p>52. The County shall adopt standards applicable to all types of man-made disruption, including drainage alternations of soils and subsurface geological features in order to minimize erosion and sedimentation problems.</p> | ERM-7.1 ERM-7.3 | RMA, Planning | ■ | | | |
| <p>53. Groundwater and soil conditions shall be identified prior to subdividing and/or road and building construction. Such development shall be properly engineered to control potential</p> | ERM-7.1 ERM-7.2 ERM-7.3 | RMA, Planning | | | | ■ |

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|---|---------------------------------------|--------------------|-----------|-----------|-----------|----------|
| landslides in areas of unstable soils as well as substantial amounts of soil erosion. | | | | | | |
| 54. The County shall work with funding sources and organizations such as the Sierra Nevada Conservancy, land trusts, and private foundations to provide resources to implement the plans and programs of the Environmental Resources Management Element. | ERM-Chapter 8-Policies as applicable. | County | | | | ■ |
| 55A. Archaeological Resource Surveys. Prior to approval (for any project involving ground disturbing or demolition of a potentially historic building), the County shall determine the need for a project applicant to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Regional Archaeological Information Center and other appropriate historical repositories, (2) conduct field surveys where appropriate, (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archeological Resource Management Reports). | ERM 6.2 ERM 6.3 | County | | | | ■ |
| 55B. Discovery of Archaeological Resources. In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. The County will require that a qualified archeologist / paleontologist make recommendations for measures 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 recovery, | ERM 6.2 ERM 6.3 | County | | | | ■ |

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|--|------------------------|--------------------|-----------|-----------|-----------|----------|
| 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. | | | | | | |
| 55C. Discovery of Human Remains. 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 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 deceased Native | ERM 6.2 ERM 6.3 | County | | | ■ | |

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| Implementation | Implements what Policy | Who is Responsible | 2012-2015 | 2015-2020 | 2020-2030 | On-Going |
|--|------------------------|--------------------|-----------|-----------|-----------|----------|
| <p>American.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p> | | | | | | |