



**SOUTHERN SIERRA
ARCHAEOLOGICAL
SOCIETY**

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May 27, 2010

Tulare County Resource Management Agency
David Bryant, Project Planner
Government Plaza
59561 South Mooney Boulevard
Visalia, CA 933277

RE: General Plan U2030 Update and Draft Environmental Impact Report (SCH No.2006041162)

Dear Mr. Bryant,

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (DEIR) and the revised Tulare County General Plan Update 2030 (GP).

The Southern Sierra Archaeological Society (SSAS) is an organization whose mission is to protect natural, cultural and historical resources as well as to educate the public on those subjects. The Committee has reviewed the Cultural Resources aspect of the Draft DEIR and the GP Update 2030 on behalf of SSAS. The sections on scenic landscapes, open space and agricultural were also reviewed, in so far as they included cultural resources.

The following comments on the GP follow the Six Principles of a Healthy Growth Alternative as proposed by the Tulare County Citizens for Responsible Growth, particularly Number 6, which states: Provide strong, clear policies with concrete enforceable implementation measures that include definite time frames, funding sources and departments in charge of monitoring and enforcement.

Sincerely,

Sylvie Robillard

Sylvie Robillard, Vice President

Mary A. Gorden

Mary A. Gorden, Education Chair

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Section 1: Introduction

The 2010 version of the General Plan (GP) made only minor changes to the goals, policies and implementation measures from the 2008 version. CEQA’s purpose is to identify feasible mitigations and alternatives in order to avoid or reduce a project’s significant effects on the environment. The GP and Recirculated Draft Environmental Impact Report (RDEIR) do not have clear, measurable, and enforceable policies and implementation measures. Without practical, effective mitigation measures, there is no evidence to support the RDEIR’s impact analysis and conclusions

Part 1, Page 3-10

The County shall consider implementing ...
 Part 1, Page 4-22 – LU-1, LU-1.3 and LU- 1.5
 The County shall promote...The County shall discourage... and The County shall encourage...

The County’s imprecise use of wording such as, “should, encourage, promote, strive, consider, make efforts,” are meaningless because no action or accountability is required on the County’s part. The word “may” is frequently used and its use implies that the County just as well could say “may not.” Instead, the use of language such as “shall require” is necessary for Tulare County to have any reasonable chance of solving the problems that we have now, let alone the ones we will face in the future.

Section 2: Detailed Comments

General Plan Framework Component (Goals and Policies Report/ February 2010/Page A-1)

~~Concept 2: The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses.~~

Concept 2: This blatant statement that all agricultural and natural land will, with the County’s blessing, be destroyed by cities and towns, would best be left unsaid, even if the destruction of the land is the ultimate goal.

B. Prosperity

Principle 3: Protection of Resources

Protect the County’s important agricultural resources and scenic natural lands from urban encroachment through the implementation of Goals and Policies of the General Plan.

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Protect the County’s important agricultural resources and scenic natural lands from urban encroachment through *Work Plan/Implementation Measures*. Goals and policies do nothing to protect agricultural, cultural resources and scenic landscapes. Rather protection of these resources is accomplished through strong measurable, enforceable implementation measures.

Principle 4: Limit Rural Residential Development

Strictly limit rural residential development potential in important agricultural areas outside of unincorporated communities, hamlets, and city UABs, UDIBs (i.e., avoid rural residential sprawl).

Principle 4: Limit Rural Residential Development

Concept 4: Development will be avoided in naturally and culturally sensitive areas, wherever possible.

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C. Environment Component (Page C-1)

Guideline Principle 2: ~~Promote~~ reinvestment in existing communities in a way that enhances livability and image.

~~Guideline Principle 5: New Town Impacts~~

7. Scenic Landscapes

SL-1.1 Natural Landscapes: During review of discretionary approvals, including parcel and subdivision maps, the County shall as appropriate, require new development to not significantly impact or block...

SL-2 Historic and Cultural Landscapes: The County shall use the County's scenic routes and highways to connect cultural landscapes, historic landmarks and communities, and points of interest...

SL-3 Community Design (Part 1, Page 7-6)

3-2 Urban Expansion-Edges: Protecting important natural, cultural and scenic resources located within areas that may be urbanized in the future.

~~3-4 (Planned Communities, P. 7-4) If planned communities are allowed, the County shall require that they are designed to minimize~~

SL-4 Design of Infrastructure (Part 1, Page 7-7)

4.1 Design of Highways and 4.2 Design of County Roads

7.5 Work Plan/Implementation Measures (Part 1, Page 7-9)

The County shall work with citizen groups...

Add implementation measure: The County shall become a Certified Local Government (CLG).

It is apparent with each iteration of the Concepts and Guiding Principles in the Goals and Policies Report the value of protecting Natural and Cultural Resources becomes more vague and less important.

Guideline Principle 2: Reinvest in existing communities...

~~Guideline Principle 5: New Town Impacts DELETE~~ as it is incompatible with Environmental Concept 1: Scenic Landscape; Principle 1: Scenic Resources; Principle 3 Urban and Rural Interface; Principle 5: Urban and Rural Interface and Under Environmental Resources Management (page C-2) Principle 2: Reduce Impacts, Principle 3: Cultural Resources; Principle 4: Natural Lands...

SL-1.1 and SL-2 Who defines what is "appropriate"? Where are the "appropriate" measures delineated?

How are the County requirements for SL-1 to SL-2 measured? How do Tulare County citizens or developers know when the requirements have been satisfactorily completed? How are rural landscapes identified? Who plans and designs communities? How will this be financed?

SL-3 How does the County identify areas that "may" be urbanized in the future? Does this refer to General Plan Framework Component (Goals and Policies Report/February 2010/Page A-1 Concept 2: The County will also

utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses?

SL-3.4 Planned Communities do not follow the Six Principle of the Healthy Growth Alternatives and should be removed.

SL-4.1 to 4.2 Who decides where these resources are in the County? How is the information tallied?

7.5 How are citizen groups defined? A County Cultural Resource Committee would be helpful, or better yet, The Certified Local Government (CLG) Program, which is a national program designed to direct participation of local governments in the identification, registration, and preservation of historic properties. A local government becomes a CLG by developing and implementing a local historic preservation program based on federal and state standards. The plan promotes partnerships with the National Park Service and the State of California. Both entities are in Tulare County. This program was described in the Background Report, Page 9-45, why was it not included in the GP or DEIR? This process insures that local interests and concerns are integrated into the official planning and decision-making process from the beginning.

CULTURAL RESOURCES

Concept 4: Natural and Cultural Resources (January 2008 Page A)-As Tulare County develops its unincorporated communities, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through the implementation of its Goals and Policies and through proper site planning and design techniques.

8. Cultural Resources (Part 1, Page 7-10)
 Add to the work groups: Southern Sierra Archaeological Society, Native American groups who are recognized under SB-18 and the Tulare River Indian Reservation.

8.6 ERM-6.2 Protection of Resources with Potential State or Federal Designations (Page 8-11)

The County should encourage the protection of cultural and archaeological sites... Such sites may be of statewide or local significance and have anthropological, military, political, architectural, economic, scientific, religious, or other values.

ERM-8.3 Alteration of Sites with Identified Cultural Resources (Page 8-11)
 When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be... Development should be permitted... site specific investigation (Add) has been conducted...

Implementation 58 (Page 8-20)

The County shall incorporate provisions into development regulations that in the event archaeological or (Add) resources ...if significant resources are determined to exist (Add)

ED-5.12 Heritage Tourism (Part 1, Page 5-8). The County shall encourage ED-6 To take full advantage of the natural, cultural, and social opportunities available in the County for the enhancement of tourism.

8.4 ERM-4 Energy Resources (Part 1, Page 8-14)
 4.1 Energy Conservation and Efficiency Measures.

14. 9 Energy Facilities.

PFS-9.4 Power Transmission Lines (Part 1, Page 14-130)
 The County shall work with the Public Utilities Commission and power utilities in the setting of transmission lines to avoid interfering with scenic views, historic resources, and areas designated for future urban development.

Concept 4: Restore former Concept 4: Natural and Cultural Resources, which reads: As Tulare County develops its communities and hamlets, the County will ensure that development occurs in a manner that limits impacts to natural and cultural resources through proper site planning and design techniques. Development will be avoided in naturally and culturally sensitive areas

8. The Tulare River Indian Reservation, is a federally recognized entity. SB-18 empowers those Native American groups who are recognized by the State of California. The Southern Sierra Archaeological Society is a group dedicated to preserving cultural resources. These groups would be a good fit under the Certified Local Government Program (CLG), described above, because the National Park, California State Parks and SHIPO are named as working partners.

8.6 ERM-6.2 The County shall protect cultural and archaeological sites....Add the words: "archaeological, historical " to the list.

When planning any development or alteration of a site with identified cultural, historical or archaeological resources, consideration *shall* be... Development shall be permitted... site specific investigation *by an archaeologist certified by the Register of Professional Archaeologists has been conducted*...

Imp. 58 The County shall incorporate provisions into development regulations that in the event archaeological or (Add) *buried historical* resources ...if significant resources are determined to exist, *as defined by CEQA,* the archaeologist...

ED-5.12 Use stronger language.

ED-6 This is a great goal in a multi-lingual County. However, the language is weak and there are not any implementation measures.

ERM-4 Use stronger language, such as, The County shall require...

PFS-9.4 At the current time Southern California Edison is proposing to put their 120 foot power lines on a Tulare County road designated as a Scenic Landscape. See picture, Preservation of Scenic Highways FGMP-1.5. PFS-9.4 is a good example of a meaningless sentence, due to lack of Implementation Measures and meaningful measurements.

LU-7.12 Historic Buildings and Areas. The County shall seek-to-encourage preservation of buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired where ever feasible. [New Policy – Modified Draft EIR Analysis]

LU-7.12 Historic Buildings and Areas. The County shall preserve buildings and areas with special and recognized historic, architectural, or aesthetic value. New development will respect architecturally and historically significant buildings and areas. Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired, after consultation with the . [New Policy – Modified Draft EIR Analysis]

III. Conclusion

We recommend that the General Plan Update and the Draft Environmental Impact Report be revised to protect cultural resources, scenic landscapes, open space and agriculture from urban encroachment to a greater degree than is proposed in the current draft. Policies and mitigation measures must also be changed to reduce the impacts on the resources.

Tulare County citizens do not want generic, cookie cutter communities that do not reflect their history. Communities that preserve their historical resources for adaptive reuse find economic benefits and revitalization, as the integrity of the historic resources embody a unique sense of place where people want to live, work and play. Many elected officials do not understanding the value and potential profitability of preservation and re use.

Tulare County citizens want zoning regulations and general plan elements that address demolition and provide incentives for preservation and adaptive reuse projects. The Mills Act allows the County to provide tax incentives for rehabilitation. Tulare County must develop cultural resources ordinances and plans, which it has not done to date. The old General Plan mentions a Cultural Heritage Board, but never implemented it. Tulare County needs to survey its cultural resources and keep the survey up to date. Cultural Resource surveys are a valuable tool when planning for future development. (Pub. Resources Code § 21001 subd.(b)) states “take all actions necessary to provide the people of this state with ... enjoyment of historic environmental qualities.” We hope to see our communities in Tulare County revitalized through the adoption of a General Plan and a Environmental Impact Report composed of strong policies with a measurable, enforceable implementation plan.