

May 27, 2010

Tulare County Resource Management Agency

ATTN: David Bryant, Project Planner

Government Plaza

5961 South Mooney Boulevard

Visalia, CA 93277

RE: Revised Tulare County Draft General Plan 2030 Update and Recirculated Draft Environmental Impact Report (SCH No. 2006041162)

Dear Mr. Bryant:

Please find enclosed our comments on the revised draft General Plan 2030 Update (GPU) and its RDEIR. We appreciate the tremendous effort that the County has put into preparing these documents, and the opportunity to comment on them.

Unfortunately, we have found the draft GPU/RDEIR to be inconsistent, incomplete, contradictory, vague, and weak. It does not provide a comprehensive, cogent, relevant view of the County's current conditions, nor does it adequately address the project's effects on the County's citizens' priorities of cleaner air, reliable water, protection of our agricultural and open space lands, a more diverse economy, and efficient growth centered on our existing communities.

The DEIR does not present a reasonable range of alternatives including one that is focused on achieving these priorities while avoiding or effectively mitigating its impacts, and the project's policies and implementation measures are far too vague and weak to accomplish them and the mitigation and implementation required by CEQA.

The draft documents do not provide an adequate baseline, do not adequately disclose significant adverse environmental impacts, do not adequately identify meaningful alternatives and mitigation measures, do not adequately address cumulative impacts and measures to avoid or mitigate them, do not adequately address the project's impacts on global climate change (nor the impacts of climate change on the project), and do not adequately address measures to avoid or mitigate GHG emissions.

The updated draft GPU/RDEIR still requires extensive revision and its Alternatives must be revised to include one that is clearly environmentally superior and that focuses on accomplishing the expressed priorities of Tulare County's citizens by firmly directing resource-efficient growth into existing urbanized areas and by defining and clearly implementing a strong mitigation program for unavoidable impacts. That Alternative will do the most to fulfill the General Plan's goals and values while meeting the requirements of CEQA.

We are including our comments from 2008, which are incorporated by reference as well in our May 27, 2010, comments. Far too many of them were not addressed in the revised and recirculated GPU documents. Please note that our May 27, 2010, comments override any inconsistencies in this attachment. Thank you for considering our comments.

Sincerely,

Greg and Laurie Schwaller
43857 South Fork Drive
Three Rivers, CA 93271
559-561-0111; lschwaller1@wildblue.net

Thank you for the opportunity to comment on these documents – the revised draft General Plan Update (GPU - including the Goals and Policies Report [GPR] and the Part III plans for communities, hamlets, FGMP, etc.), the Background Report (BR), the Recirculated Draft Environmental Impact Report (RDEIR, which includes the Background Report as Appendix B and the General Plan 2030 Update as Appendix C). Since the Climate Action Plan (CAP), which is described as an implementation measure to the General Plan 2030 Update, is not going to be adopted concurrently with the GPU/RDEIR, we will submit detailed comments on the CAP at the appropriate time.

These comments incorporate by reference our comments submitted 04/14/08 on the previous draft (issued in January, 2008) of the Tulare County GPU/DEIR. The intent is that the comments submitted on 04/14/08 at the close of the previous public comment period will be considered and responded to as part of the FEIR to be considered by the Planning Commission and Board of Supervisors after the close of the current public comment period on 05/27/10. Those comments are also a part of the administrative record. This May 27, 2010, comment letter overrides any inconsistencies in our April 14, 2008 comment letter.

OVERVIEW:

County staff and consultants have produced a more graphics-intensive version of the GPU/RDEIR documents issued 03/25/10, providing more maps and figures, which are helpful in some cases. The County has also included a whole new document, its **Climate Action Plan (CAP)**. Bewilderingly, the County states that this critical document will serve as an implementation measure to the General Plan, but also states that it is not a part of the formal General Plan Update documents and will not be considered for approval at the time of the GPU adoption. **Please explain the logic of this, and how the impacts of the proposed project can be evaluated if a significant implementation measure is uncertain of adoption.**

Despite the cosmetic improvements and the creation of the CAP (which relies on policies and implementation measures in the GPR for its effect), the 03/25/10 version of the GPU/RDEIR continues to fail to effectively, robustly, and substantively address the key issues identified by the County's citizens in the GPU workshops conducted to obtain this information. These issues were listed in the 2008 GPR (p. 1-6): air quality, water quality and availability, continued conversion of agricultural land to residential development, and the need to diversify the economic base (to provide for higher paying year-round employment). **This information has been deleted in the 03/25/10 GPR, along with any reference to the Technical Advisory Committee. This information should be restored to the GPR, and the people's priorities should be a major focus of the GPU, informing all of its Elements, Goals, Policies, and Implementation Measures.**

County residents said they wanted new growth focused in existing urbanized areas, instead, the current version is emphasizing ever more strongly a very different vision, focusing on promoting New Towns (renamed as "self-

sustaining communities”) and the creation of development corridors along all the County’s major regional transportation arterials and major transportation routes within urban boundaries, such as Mooney Boulevard. **Not only are these New Towns and sprawl corridor development plans contrary to the will of the people, they are directly contradictory to achieving the goals of the State of California to reduce greenhouse gas emissions in an effort to stave off the worst impacts of global climate change.**

Tulare County has been in the national and international news in the last few months, with Visalia cited as #3 in the EPA’s list of the top five cities with the highest ozone concentrations in the nation (with LA #1, Bakersfield #2, and Fresno #4) in “Time” magazine and an article in the “Economist” describing the San Joaquin Valley as worse than Appalachia. **The County’s General Plan Update should be making a major effort to ensure compact, efficient, economical, transit-friendly, walkable, water-sensitive, livable development that puts people where jobs, infrastructure, and services already exist and revitalizes communities with the opportunity to diversify their economies.** Such a plan for responsible growth would also help to preserve agricultural and open space lands and scenic landscapes and habitat, allow for more groundwater recharge opportunities and better runoff and stormwater management, reduce greenhouse gas emissions, reduce costs to taxpayers, promote a sustainable tourism industry, attract clean industry and businesses, help to reduce air pollution, and improve quality of life.

The County is facing an emergency in water supply and quality; its poor air quality costs it dearly in lost productivity, missed school days, emergency room visits and long-term health care, human misery, and truncated lives; and it will suffer disproportionately from the impacts of accelerating global warming. Its population is growing rapidly, with a high birth rate and a very high rate of teen pregnancy. To provide for its burgeoning population, Tulare County is proposing diesel spewing Freight Villages (GPU GPR page 13-3, TC-1.7), highway sprawl development corridors, and New Towns designed not to provide the affordable housing that our residents need close to jobs and services, but to attract additional people to an already overburdened county.

THE DRAFT GENERAL PLAN 2030 UPDATE DOCUMENTS MUST BE REVISED TO ADEQUATELY INVENTORY AND ANALYZE BASELINE CONDITIONS AND IMPACTS AND TO ADEQUATELY DESCRIBE THE IMPACTS OF THE PROPOSED PROJECT:

The Value Statements, Framework Concepts, and Guiding Principles of the Goals and Policies Report are generally reflective of the expressed wishes of the County’s citizens, but need to maintain focus on air quality, water, agricultural and open space lands, and a more diverse economy. Despite hundreds of pages of comments received on the original draft Goals and Policies and on the NOP for the DEIR, and over 1,000 pages of comments received on the January 2008 version, and regardless of the professional, scientific, legislative, and legal findings available to guide it, **the County is still failing to adequately inventory and analyze current (baseline) conditions (in the Background Report), to adequately inventory and analyze the environmental impacts associated with the draft General Plan’s implementation (in the RDEIR), and to write policies and implementation measures**

adequate to effectively address the adverse effects of current conditions and those adverse conditions that will be created or exacerbated by implementation of the proposed General Plan Update (in the GPR and GPU Part III plans).

The Plan's component documents present a great deal of information, but too often ignore or assume solutions to problems without presenting the public and decision makers with sufficient facts and clear analysis to confidently determine that the necessary relevant issues and their impacts have been fully and accurately described and that the policies and implementation measures provided to remedy these adverse conditions will be sufficiently comprehensive, clear, firm, measurable, enforceable, and funded to do so.

The Background Report, which is to provide the environmental setting, in numerous instances does not provide sufficient information to establish a clear baseline and inventory of existing conditions and their impacts, nor does it sufficiently explain the sources used and the basis for selection of the information presented; in some instances it seems even to be deliberately misleading. It tends to provide lists of definitions (which too often do not provide the information that would make them meaningful to the reader and relate them to the purpose of the GPU). For example, Section 1.5 "Organization and Purpose of the Background Report" (BR p. 1-4 ff) begins by stating that "This report is organized into twelve chapters, as follows." It then lists the Chapters and outlines the topics discussed under each. Then it ends. As is all too typical, it provides a list, but it never gets in to the Purpose of the information listed. It fails to adequately provide the environmental setting because it does not relate its lists of facts to Tulare County's environment, and thus does not enable the reader to see their significance.

For another example, Table 6-2, on p. 6-15 of the Background Report contains information from the CARB website. This information should be presented exactly as it is shown on the CARB website and then should be explained in accompanying text so that the reader can understand which figures are significant and why.

The Table is misleading because it does not describe and clarify the basis for the information it presents. For example, on the CARB website, PM10 information is reported two ways, as an actual measurement, and as an estimated measurement. The PM10 monitoring station samples the air typically only about every 6 days and then records the PM10 for each of those days. This measurement provides the actual PM10 level on about 60 specific days out of the year, which the CARB reports as the Number of Days Above the Standard. The CARB also prepares an estimate of the number of days PM10 levels would exceed the standard within a year by compiling the 60 specific days' measured information and projecting it through the 365 days of that year; CARB reports this as the Estimated Days Above Standard. The Estimated Days Report's figures give a more meaningful idea of the actual PM10 impact, because most of us are breathing the air every day, not just on the approximately 60 days of actual measurement. Here's the difference, for instance, looking at the data from the Visalia Monitoring Station

for 1996-2003. The first figure shows **the number of days out of the approximately 60 on which measurements were actually taken** that PM10 exceeded the State 24-Hour Standard; the second figure shows the **estimated number of days on a yearly basis, projected from the actual days' readings**, that the standard would be exceeded: 1996—25/148.2, 1997 – 11/64.6, 1998 – 18/101.8, 1999 – 30/182.1, 2000 – 30/195.6, 2001 – 27/167.9, 2002 – 29/178.8, 2003 – 17/107.9.

The Table should reproduce exactly the complete information from the CARB website, and clearly explain how to interpret the information, not edit it to create a misleading impression of the impact.

That so many errors and inadequacies are found in a single table raises concerns regarding the accuracy and reliability of the other tables and information in the GPU documents. Numerous examples will be noted below as these comments proceed through the GPU.

As another example, Section 7.9-Schools (pp. 7-75 ff) of the Background Report “describes the general characteristics of Tulare County’s school facilities.” However, wherever there is an indication of the date of the data used, it is evidently from 2002 or 2003, and thus is **not current** for purposes of the RDEIR. Additionally, the characteristics of the various schools (e.g., number of students and teachers, rate of growth or decline in enrollment, capacity, physical condition, new construction, etc.) are **not consistently described**, so that information supplied for one school district is not supplied for another (e.g., very little information is provided for Pixley, Richgrove, and Rockford). Very importantly, it is **not stated in the text which communities, hamlets, or other areas are being served by most of the listed districts** (although it is obvious for some by their names). Thus, **the reader cannot determine which of the projected County growth areas would affect which schools and districts, and to what degree**. This section must be extensively revised to give the reader a much clearer idea of how the planning and land use decisions of the proposed project will impact the County’s schools and school districts.

THE DRAFT GENERAL PLAN 2030 UPDATE DOCUMENTS MUST BE REVISED TO PROVIDE ADEQUATE POLICIES AND RELIABLE IMPLEMENTATION MEASURES:

The Goals and Policies Report and Area Plans are to embody the project description and environmental mitigation. Page 1-8 of the GPR (second paragraph) states that a policy is “a statement that guides a specific course of action for decision-makers to achieve a desired goal. The County has strived to develop clear [*sic*] policies (the new version omits the former “and unambiguous,” which should be restored).”

Page 1-2 of the 2008 Goals and Policies Report (GPR) stated that the GPR is the “essence” of the General Plan and that it “identifies a full set of implementation measures that will ensure the goals and policies in the General Plan will be carried out.” Page 1-9 of the GPR states that an implementation measure is “a specific measure, program, procedure, or technique that carries out plan policies” and that “Implementation measures should describe actions that are concrete and measurable so their completion can be easily monitored in annual reports.”

These definitions have been substantially weakened in the 2010 version, along with the possibility that the IMs will actually be implemented. The Implementation Measures (IMs) are now defined on page 1-11: “The Implementation Measures set forth at the end of each Element constitute a preliminary, anticipated Work Plan to assist in carrying out the Goals and Policies. An Implementation Measure is a specific action, program, procedure, or technique . . . provided to help ensure that appropriate actions are taken to implement the General Plan. . . . Implementation Measures describe actions that are measurable [no longer concrete] so their completion can be easily monitored in annual reports.”

The Implementation Measures are then rendered even more inconsequential and less likely to accomplish anything: “The following principles guide action on these Implementation Measures:

- The timelines associated with the Implementation Measures are general guidelines for completion of the Work Plan.
- Completion of various tasks in the Work Plan are subject to available staff, financial resources, and other considerations.
- Implementation can take time, especially when needed resources are limited and required for more than one Implementation Measure.”
- (p. 1-12) “Because implementation will take time and will be costly, the County will need to prioritize Implementation Measures” probably as part of its annual general policy-making function and budget cycle [How will the County involve the public in this prioritizing process?]
- “While the Plan policies identify specific programs, Implementation Measures may be adjusted over time, without amending the General Plan . . . so long as they remain consistent with the intent of the General Plan and adopted mitigation measures.”

How can the public rely on such measures to implement anything? To enable the public to see how the GPU will comply with CEQA, and effectively implement the policies and mitigation measures essential to compliance with AB32, SB375, and its Climate Action Plan, the County must provide IMs that are concrete, measurable, and trackable. **If it is unlikely that the County will have the time, money, staff, or other necessary resources to carry out an IM, then it is misleading to list it as such, so that the public relies on an IM to their detriment. The County should clarify what its resources and priorities are with regard to the listed IMs, many of which have been listed for several years already, with no evidence of progress having been made.**

Additionally, many of the GPU policies are far from specific, clear, and unambiguous, and many have no corresponding IMs listed. Many of the IMs that are provided are so vague as to be neither measurable nor enforceable; many state that they are “new,” yet indicate for their timeline that they are “ongoing,” so that one cannot determine whether they are supposedly already being implemented (in which case the date of actual implementation should be shown) or when one could expect them to be in force; others are scheduled

to be commenced so far in the future that it is doubtful that much in the way of meaningful outcomes can be made to result from them within the life of the 2030 General Plan.

For example, LU-7.13 on p. 4-32 of the GPR states as a New Policy that “The County shall encourage and support efforts by local preservation groups to identify and rehabilitate historically significant buildings.” “Encourage” is not a clear, , specific course of action, as required by the definition of a policy on p. 1-8. The Implementation Measure, #23 on p. 4-36, says “The County shall cooperate with local preservation groups and community property owners who identify historic buildings . . . to encourage perpetuation of identified architectural characteristics in new proposed development . . . within the same view shed as the historic building.” This is stated to be a New Program. The timeframe is shown as “Ongoing.” This Implementation Measure (IM) is not “a specific measure, program, procedure, or technique,” nor is it concrete or measurable, as prescribed by the definition of an implementation measure on GPR p. 1-9. How does one measure or enforce “encourage” and “cooperate?” The policy to “encourage” is to be implemented by a measure requiring the County to “cooperate” with others to “encourage.” The goal behind this policy is admirable, but how will the policy or its implementation measure ensure achievement of the desirable goal? What specifically is meant by cooperate and encourage?

Similarly, LU-7.15 (a New Policy on p. 4-32 of the GPR) states that “The County shall encourage the use of solar power and energy conservation building techniques in all new development.” The Implementation Measure (#24 on p. 4-32) says “The County shall review LEED and LEED-ND certification requirements and develop an implementation program.” This review is timed to start sometime between 2010-2015. Again, the policy (“encourage”) is in no way a statement of a clear, unambiguous, specific course of action, and the implementation measure (“develop . . . an implementation program”) is far from being a concrete, measurable, specific measure, program, procedure, or technique. Given the urgency of global warming and the need to comply with AB32, not to mention the County’s severe air and water problems, and also given the abundance of jurisdictions which have already adopted and implemented LEED standards, the County must do much more than merely “encourage” use of solar power and energy conservation building techniques, and the requirement to do so should commence well before 2015. The draft GPR has included this IM since November of 2006, but apparently the County has not yet addressed reviewing and implementing LEED,

Unfortunately, the examples above are typical of the GPU’s policies and implementation measures: too often vague, ambiguous, ineffective, and not measurable. Thus, the policies and implementation measures all too frequently cannot be relied on to achieve the goals of the GPU (including those of the Climate Action Plan), to effect the measures listed in the RDEIR to minimize and mitigate the project’s environmental impacts, nor to implement any of the RDEIR Alternatives. The policies and IMs must be clarified and strengthened in almost every case.

Additionally, it must be noted that the 2010 version has made substantive changes in Policies and Implementation Measures without explanation or justification in the GPU/RDEIR documents. For example, WR-1.4 Conversion of Agricultural Water Resources (GPR p. 11-7) has been significantly reworded, and one of its key criteria has been deleted (see detailed discussion under WR-1.4 below).

THE GPR MUST BE REVISED TO INDICATE POLICY CATEGORIES:

On p. 1-8 (penultimate paragraph), the GPR states that “Consistency determinations are not made based upon a specific Goal but are made based upon Policies set out under that Goal, as provided for in the California Planning and Zoning laws.. The 2008 version of the GPR stated that the “County has strived to develop clear and unambiguous as policies [*sic*].” The 2010 version no longer includes this statement. Certainly “clear” and “unambiguous” are important policy standards, and they should be restored and adhered to.

Page 1-13 of the GPR states that “General Plan policies fall into four categories depending on the purpose they serve and how they are implemented.” The categories are (1) Framing Policies, which “set out broad direction, much like a goal,” and “typically do not require a follow-up implementation measure”; (2) Consistency Standard Policies, which establish a basis for consistency findings in project reviews and are “self-implementing” and do not require follow-up implementation measures; (3) County Directory Policies, which commit the County to an action and generally require a specific implementation measure; and (4) Environmental Mitigation Policies, which serve to minimize or eliminate environmental impacts, often identified through the EIR process; it is not stated whether these latter policies require implementation measures.

However, the policies in the GPR are not labeled to indicate which of the categories they belong in, leaving the reader to wonder whether they are supposed to not need implementation measures or are self-implementing, or do require implementation measures.

Please label all the policies per their categories (it would be especially helpful if Environmental Mitigation Policies were labeled as such; wouldn't most of them need mitigation measures?).

THE GENERAL PLAN 2030 UPDATE DOCUMENTS MUST BE REVISED TO ADEQUATELY RESPOND TO THE PEOPLE'S PRIORITIES:

In public workshops, hearings, and comment letters, the people of Tulare County have repeatedly expressed their priorities for the future: cleaner air, reliable availability and quality of water, growth centered on existing developed areas to minimize the conversion of natural resource lands (farmlands, ranchlands, scenic landscapes, open space, forests) to urban uses, and a more diverse economy; in other words: healthy air, healthy water, healthy land, and a healthy economy.

The GPU gives lip service to these values. Unfortunately, as will be discussed below, it **fails to provide the planning framework; strong mandatory policies and implementation measures; and RDEIR Alternatives that will fulfill these priorities.**

THE RDEIR MUST BE REVISED TO PROVIDE A REASONABLE RANGE OF ALTERNATIVES, INCLUDING A REASONABLY ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

The Alternatives presented all assume the adoption of the current draft of the Goals and Policies Report, which, as discussed above, provides inadequate policies and implementation measures that cannot be relied on to effect the project Alternatives or mitigation measures.

None of the Alternatives offers a clear choice and firm direction for compact, resource-efficient, healthy growth, as demanded by the County's citizens, as discussed above.

No concrete, quantified, factual comparison of the relative impacts of the proposed Alternatives is made to enable the reader to confidently evaluate their actual relative effects on the environment and on achieving the project's objectives.

Good maps and statistics should be provided, clearly depicting the "before" and "after" for each Alternative, so that the reader can "see" and evaluate the impacts of each Alternative and its likelihood of achieving the project's objectives.

Indeed, one cannot determine from the GPU what the project objectives are in any concrete sense because the GPU seems never to actually plan or direct growth, or to seriously address environmental impacts, instead lackadaisically relying on the "market" to determine where growth should go and on "significant and unavoidable" to absolve it of responsibility for the outcome.

The GPU must specifically describe and explain how and where each of the Alternatives will direct growth and show specifically the differences that each Alternative would achieve in terms of air quality, availability and quality of water supply, quantity of land developed, quantity of agricultural and open space land preserved, reduction of greenhouse gas emissions, availability of alternative transit, walkability, provision of infrastructure and services, and diversification and strengthening of the County's economy – as well as the effect of each Alternative on County compliance with AB32 and SB375.

The GPU must provide a truly environmentally superior Alternative that is measurably significantly resource-efficient, demonstrably acts to reduce VMTs and GHG emissions, and concretely effects compliance with AB32 and SB375.

This Alternative will ensure that our growth is resource-efficient and focused in our existing urbanized areas that want and can accommodate it, and it will protect and preserve the natural resources on which our economy and our well-being depend. It will be supported and effected by strong, clear, enforceable policies and implementation measures, including a tiered developer impact fee program and an effective mitigation program (with at least a 1:1 ratio), that will minimize resource consumption and pay its own way.

Please SEE APPENDIX B for additional comments on the RDEIR Alternatives.

We strongly urge that the Healthy Growth Alternative recommended by Tulare County Citizens for Responsible Growth in their April, 2008, and May, 2010, comment letters be included in the RDEIR Alternatives in order to provide a true range of Alternatives and a clearly environmentally superior Alternative.

THE GPU SHOULD ADOPT AND IMPLEMENT THE AHWAHNEE PRINCIPLES (OR BETTER):

Most of the principles for successful healthy growth in our communities are well summarized in “**The Ahwahnee Principles**,” put forth by the Local Government Commission’s Center for Livable Communities.

These principles (or better) should be incorporated into Tulare County’s General Plan, with appropriate policies and implementation measures to ensure that they will be adhered to and carried out in all future urban development in our county.

The Ahwahnee Principles should be added to the Guiding Principles Section of the General Plan Framework (GPR, page A-2), to establish the overarching direction for development in the County; thus, they can be easily referenced, and can inform all the policies and implementation measures that follow. For ready reference, we will include them as Appendix A to these comments.

By adopting and implementing the Ahwahnee Principles for development, many jurisdictions have been able to create and maintain a distinct character and sense of place that attracts residents, businesses, and tourists, improving their economy. They have also saved on infrastructure costs. With the adoption of a specific plan prior to any development, the developer knows exactly what the community wants, saving time and money. The participation of citizens (including developers) from all sectors of the community in the process of developing the plan ensures that citizens will get what they want for their community and can create a sense of community and understanding among all sectors. The Ahwahnee Principles were written into a guidance document published by the U.S. Department of Housing and Urban Development for local officials applying for CDBG and other funds. As a nearby example, the City of Reedley adopted the Ahwahnee Principles and also the Fresno County Growth Alternatives Alliance’s “Landscape of Choice” and implemented them in the City’s Specific Plan.

The GPU’s draft Goals and Policies Report (GPR) includes approximations of several of the Ahwahnee Principles in various goals and policies, but they are not yet made sufficiently comprehensive, concrete, and enforceable.

THE MAPS IN THE GPU DOCUMENTS ARE INADEQUATE AND MUST BE IMPROVED:

Many of the maps in the GPU documents are helpful in terms of giving very broad overviews (and they now correctly label the various populated areas of the County). However, **the County should provide individual maps showing each of the various communities and other locations proposed for development under the proposed project and what type of uses are proposed for each area (each should have its own map, to provide sufficient detail). Each of these maps should include a textual profile of the area depicted, with information on the size of the area (current and proposed), the amount of land designated for each type of use (current and proposed), existing**

infrastructure and services (e.g., water supply, quality, and capacity; wastewater capacity; drainage and stormwater facilities; school, library, fire station, etc.), the population (current and proposed), RDA information, etc.

Additionally, the County should provide individual overview maps depicting the different development patterns that would result from each of the proposed Alternatives, so that the reader could see and compare the different outcomes. The General Plan maps (along with its policies and diagrams) form the basis for the County's zoning, subdivision, and public works actions (GPR, p. 1-2, first paragraph), so it is very important that the GPU's maps give a clear idea of the intended outcomes of the project.

The General Plan 2030 update includes new wording that significantly tips its balance toward more development in more areas with fewer restrictions and less public input; there is no corresponding increase in wording to correspondingly improve and rapidly implement requirements for responsible development, preservation of agricultural and open space lands and community identity, developer impact fees, better air quality and assurance of water supply, and a healthier economy.

This problem is discussed in more detail in various sections below. **The County must re-balance the GPU's design for growth to provide for sustainability, compliance with AB32 and SB375, the effectiveness of its Climate Action Plan, and a clear focus on addressing its residents' priorities.**

ORGANIZATION OF SPECIFIC COMMENTS:

We will continue our comments by following the organization of the GPU Goals and Policies Report, bringing in additional comments on the RDEIR, the Background Report, and the Climate Action Plan. We will often use the term "community" to refer generically to any existing city, community, hamlet, mountain service center, or similar urban or urbanizing entity that has a defined development boundary and infrastructure that can accommodate development. Where text is italicized in these comments, the emphasis has been added by us to facilitate understanding of the comments by highlighting changes in the GPU documents.

PART I – GOALS & POLICIES REPORT

1.2 Tulare County General Plan: The Structure

General Plan 2030 Update Overview (p. 1-2): The first paragraph states that in 2010 a variety of important new goals and policies were added to existing components of the General Plan, some obsolete policies were deleted, and many of the obsolete policies were replaced by new provisions. **The County should provide a table summarizing these changes to assist the reader with an overview of what has changed. It should be noted here that page 1-7 has a list of Updated or Deleted Sections and Elements. That list should explain why the deleted portions (such as the Civic Center Master Plan and Library Master Plan) were deleted, The reader should also be referred to Table 1.1 on page 1-12, which relates the GP to the State Mandated Elements.**

The last paragraph on p. 1-2 says that the new or revised elements were adopted in 2010. **Which are these new or revised elements?** The first paragraph on p. 1-3 states that the Housing Element, Flood Control Master Plan, and ACFP-Phase 1 were not revised or readopted as part of the Update but are included in Part I. (However, these documents are included only by reference.) The first paragraph on p. 1-4 states that Part II includes a new Corridor Framework Plan (adopted 2010), which establishes policies that will guide the potential adoption of Corridor Plans within the County, which will be included in Part III. The next paragraph discusses existing plans that were not revised or readopted in 2010 as part of the GPU with two exceptions. The third paragraph states that the GP 2030 Update anticipates adopting additional Sub-Area Plans, County Adopted City General Plans, and Community Plans, as well as Mountain Service Center Plans, Hamlet Plans, and Corridor Plans, each of which will become components of Part III of the GP when adopted. The last paragraph on p. 1-4 describes eight existing County Adopted City General Plans, including two neighborhood plans [East Porterville and Patterson Tract, which are actually additional to the eight]. Page 1-5 says the GPR calls for adopting two additional CACGPs: Delano and Kingsburg.

These adoption issues are very confusing. It sounds as if some parts are being adopted prior to adoption of the GPU, others are being adopted separately, and others have been adopted to guide potential adoption of further plans.

Please briefly explain the adoption process and why so many portions are out of phase with the GPU and why it is important for the reader to understand this chronology.

How does the County “create” communities (p. 1-5 states that the GPR designates eight additional communities)? The GPR “calls for” adopting a community plan for each. **What is the timeline for this process, and what guides development in the meantime?** Page 2-4 states that the Urban Boundaries Element was adopted in 1974 and that it “directed that community plans be adopted for 22 unincorporated communities to guide future development within their community boundaries.” Thirty-six years later, only 15 of the 22 communities have plans. Sultana does not appear on the list beginning on page 2-4 of the communities that will now be designated Mixed Use, but it is on the list on page 1-6 of communities which are “called for” plans (although Sultana does not have a UDB). **When will these communities have the opportunity to have input into their development future? And what about the 11 hamlets, for which the GPR calls for adoption of Hamlet Development Plans? Not to mention the 16 Mountain Service Centers listed on page 1-6.** If it took 36 years to get 15 plans done, and there are 34 to go (not counting Corridor Plans), what are the chances that the residents of these areas will be able to determine how and where they want to grow within the horizon of the GPU? Furthermore, some communities have plans that were adopted over 20 years ago and that definitely need updating. Three Rivers, for example, where we live, has been trying for well over a decade to work with the County to get its existing plan (adopted in 1980) updated, but the County has not had the resources to get this job done. **Please explain and justify why the County is determined to direct growth into all these areas when it apparently has not had the resources for decades to even get community plans done for them. How will such development be determined to meet the needs and desires of these communities/hamlets/service centers/neighborhoods?**

COMPONENT A--GENERAL PLAN FRAMEWORK

The first paragraph on p. A-1 of the 2010 version of the GPR is hugely changed from the 2008 version, emphasizing a whole new direction for the GPU, which contradicts and works against the expressed vision of the County's residents. The people who live here value their rural landscapes, their agricultural and ranching heritage, the beauty of the County, and their communities. They do not want Tulare County to look like Fresno County or Orange County or Los Angeles County. A little over 50 years ago, Los Angeles was the #1 agricultural county in California. Forty years ago, Orange County was largely open lands. It remains to be seen whether Fresno County will act in time to preserve its heritage; the draft Fresno Green Development Code reflects an awakening.

But Tulare County is rewriting its GPU in the 2010 version as if it never read the over 1,000 pages of comments submitted on the 2008 draft. Page A-1 used to say: "In keeping with the Value Statements and Guiding Principles developed for the General Plan (see below), this component is designed to *focus new unincorporated growth into the County's communities and hamlets*, encouraging economic development and *protecting the County's extensive agricultural, scenic, cultural, historic, and natural resources [emphasis added]*."

The 2010 Framework takes a very different approach: "In keeping with the Value Statements and Guiding Principles developed for the General Plan (see below), this component is designed to *focus new growth into the County's Urban Development Boundaries, Hamlet Development Boundaries, Mountain Service Centers, and Corridors* while encouraging economic development and protecting and *facilitating the development of* the County's extensive agricultural, scenic, cultural, historic, and natural resources.

When and why was the decision made to promote growth virtually anywhere in the County (this is certainly not focused growth), and to change from protecting the County's resources to facilitating their development? The County must explain and justify this radical departure from the former Framework and show how it can better achieve the people's goals and effective compliance with AB32 and SB375 (not to mention a successful Climate Action Plan). This represents a change in the scope and impacts of the proposed project that should not be made without public notice and input and that should be reflected in the content of the Background Report, the RDEIR, and the Climate Action Plan.

VALUE STATEMENTS (p. A-1):

As the people declared that clean air, good water, and agricultural and open space land are their top priorities; and as a healthy environment is essential to a diverse, healthy, sustainable economy and a healthy population; and as the County declared in September, 2007, that we are facing an impending water crisis; and as our air is near or at the top of the worst in the nation (and as AB32 requires that we immediately begin to address that problem); and as global warming will only worsen our air and water problems, the County should add a new Value Statement to the

effect that: “The County will protect and preserve its invaluable natural resources, including air quality, water supply and quality, soil supply and quality, biodiversity, habitat, and open space.”

FRAMEWORK CONCEPTS (p. A-1):

Concept 1: Agriculture: Again, the County has changed the wording, adding after “protected,” “and to insure that the utilization of these resources may continue to economically succeed.”

Concept 2: Land Use: The wording has been changed. The 2008 version cited “a number of communities and hamlets that will grow and develop,” while the 2010 version cites “a number of unincorporated communities that will grow and develop.” **What is the intent of this change? Is this narrowing the list or expanding it? What happened to the hamlets? What is the rationale for the change?** The 2008 version says that “natural resource lands (agriculture and open space) . . . will be preserved.” The 2010 version says that “natural resource lands (agriculture, mineral extraction, and open space) . . . will be preserved and permitted to expand.” Since we can’t expand open space (although we should certainly be preserving more of it) and it’s doubtful that we can expand agricultural lands (although we should certainly find ways to permanently preserve more of it as well), then this revision appears to state that the County is going to permit mineral extraction to expand. **Please clarify the intent of this revision and why the change has been made.** The next sentence has been modified by adding “unincorporated” as a modifier of “communities.” The final sentence in Concept 2 has been very much changed. In the 2008 version, it reads, “The County will also limit the conversion of agricultural and natural resource lands to urban uses.” The 2010 version reads, “The County will also utilize its goals and policies to guide the conversion of agricultural and natural resource lands to urban uses.” **The County must explain and justify this complete change of emphasis, from limiting the conversion of resource lands to urban uses to using its goals and policies to guide the conversion of resource lands to urban uses.**

Concept 3(p. A-2) has not been changed.

Concept 4 (p. A-2) has been substantially changed. The 2008 version 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 wherever possible.” In the 2010 version, the hamlets are gone and so is the commitment to avoid development in sensitive areas. It reads, “As the 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.” **Please explain why the commitment to avoid development in sensitive areas has been removed.** Given the feeble nature of so many of the Policies and their related IMs, it is not a good sign that this commitment has been eliminated.

GUIDING PRINCIPLES (p. A-2)

Principle 1 and Principle 2 have added “their economic viability”, and “hamlets” have been deleted from Principle 2.

Principle 3 has added “through the implementation of Goals and Policies of the General Plan,” many of which, unfortunately, may not be very effective in protecting them.

Principle 4 (p. A-2) lists areas outside of which rural residential sprawl is to be limited and now includes “city UABs, UDBs.” “Strictly limit rural residential development . . . avoid rural residential sprawl”:

Please strengthen language to “. . . (i.e. *prohibit* rural residential sprawl).” This is a key strategy for preserving agricultural lands, working landscapes, and open space, and for meeting AB32 and SB375 requirements. It is also very important to the success of the County’s Climate Action Plan.

1.3 Goals and Policies Report Framework (p. 1-8 ff): previous comments apply. Please see comments above (p. 4) under **THE DRAFT GENERAL PLAN 2030 UPDATE DOCUMENTS MUST BE REVISED TO PROVIDE ADEQUATE POLICIES AND IMPLEMENTATION MEASURES** and (p. 7) under **THE GPR MUST BE REVISED TO INDICATE POLICY CATEGORIES.**

2. PLANNING FRAMEWORK

Urban Development Boundary (p. 2-3): The second paragraph begins, “For unincorporated communities, the UDB is” **This is inconsistent with the definition of UDB on p. 3-3,** which begins, “For communities, hamlets, planned communities and other unincorporated areas, the UDB is” The unincorporated communities have UDBs and the hamlets have just been given HDBs on the maps in the GP, but **where on the maps are the areas designated in which planned communities may be developed? It would be best if they would be developed only within the existing boundaries. If that is not the case, and the County intends to allow New Towns to be developed, then where is the map that designates land use for New Towns? And what are the “other unincorporated areas?”** Does this mean the Mountain Service Centers? They are on a map. Does this mean the Corridors? Where is the map that shows the UDBs for the Corridors? How can the public visualize the areas that the County is proposing for development without good maps in the GP? **All the proposed UDBs for buildout of the proposed GP project must be designated on maps included in the GPU documents. This will also help to indicate the environmental impact of the project.**

PF-1 (p. 2-7) “To provide a planning framework that promotes the viability of communities . . . while protecting the . . . natural resources heritage of the County.”: To achieve the goal of PF-1 and to make meaningful Policies PF-1.1 and PF-1.2, the GPR must **include stringent measures to PROHIBIT leapfrog development and to REQUIRE new development (residential, commercial, and industrial) to occur ONLY within existing UDBs and HDBs where infrastructure is available and growth is desired by the community, to adhere to the Ahwahnee Principles, to be highly resource-efficient, and to pay its own way.** This is our best, and possibly only, hope of achieving the goals of growth directed to existing communities, healthier air, water, land, and economy prioritized by the people of Tulare County.

PF-1.1 (p. 2-7): The county has added “or foothill region,” signaling its intention to promote development in the fragile foothill environment.

PF-1.2, #1 (p. 2-7: In the 2010 version, the County has removed all of the criteria for considering proposals within UABs or UDBs of the cities. The County must explain and justify why it no longer requires that the adjacent city does not consent to annex the property for development, that the County has determined that development of the site does not constitute leapfrog or noncontiguous development, or that the proposal must demonstrate regional special significance. The lack of any criteria constitutes carte blanche for growth-inducing sprawl and vitiates Policy PF-1.1 (Maintain Urban Edges). . Development should occur in an orderly, concentric, compact, efficient manner in the UDBs, in order to maintain urban edges, maintain buffers that continue community identity, provide open space for habitat, recreation, stormwater management, groundwater recharge, and carbon sequestration, and preserve the County’s rural heritage. The criteria in the 2008 version should be restored to PF-1.2 #1, with the exception of #4 under iii (“Any other relevant factor considered on a case-by-case basis”), which should continue to be deleted. Additionally, to qualify as “regionally significant,” under a.iii, a proposal should have to meet all of the first three factors (i.e., innovative land use planning and design principles in addition to those in this plan, significant habitat or agricultural resources will be addressed through on-site preservation or through the acquisition of off-site resources and/or fees in lieu thereof, and substantial financial benefits will be conferred on countywide operations), not just “any” of the factors.

PF-1.2 #2 (p. 2-7): Significantly, “planned community areas” have been added to this list. We know where the other locations on the list (UDBs of adjacent cities in other counties, unincorporated communities, and HDBs of hamlets) are located, but where are the planned community areas? The GPU nowhere discusses this, except to state that these communities must comprise a minimum of 200 acres. **In order to be consistent with its other goals and policies, and to make an honest effort to comply with AB32 and SB375, and to have any hope of an effective Climate Action Plan, the County must restrict “planned community areas” (New Towns, self-sustaining communities) to development strictly within the tens of thousands of acres it has already earmarked for development within UDBs, HDBs, foothill development corridors set forth in the FGMP, etc.**

PF 1.3: Please change to: “The County shall *require* those types of” “Requiring” could produce the intended consequence of limiting sprawl, which we have already had far too much of. **Please provide a concrete Implementation Measure for this Policy. The text should also include an example or two (“such as . . .”) in order to clarify this policy.**

Implementation Measure (IM) #1 (p. 2-71): The County should require itself to do what it’s encouraging the cities to do: “require buffering measures when urban development is proposed [e.g., within community UDBs, hamlet HDBs, planned community areas, mountain service centers, etc.] when urban development is proposed adjacent to existing developed rural-residential areas.”

IM #2 (p. 2-71): “A proposal submitted under PF-1.2 . . . should be subject to . . . review . . . the County should solicit . . . input . . . should consider . . . local interests.” : **Please change the 2 “shoulds” to *shalls***; environmental and fiscal review, input of affected public entities, and balancing countywide and local interests must be mandatory, not discretionary. **Additionally, please restore the language deleted in the 2010 version: The County shall consider and balance countywide and local interests.**

PF 1.4 (p. 2-7): “The County shall *require* residential growth to locate” Same reasons still, substantially strengthened by AB 32 requirements, SB375 requirements, and an effective CAP. Extending and expanding infrastructure is generally growth-inducing. The County must efficiently and compactly develop wherever possible utilizing existing infrastructure and services. Developer fees should upgrade existing infrastructure and services as appropriate. **Thank you for at last including water supply requirements; it should be emphasized that there is NO minimum threshold for these requirements: ALL development applications must meet the requirements. Please include an IM for this Policy to clarify when it will be effective and to define the terms.**

PF-1.6 (p. 2-8): The County has added CACGPs, Planned Communities, and Corridor Areas to this Policy. **What are the appropriate levels of urbanized development in these new designations? This Policy should be revised to state that in ALL new development and redevelopment, the County shall require more compact, efficient, walkable, design in order to improve the health, economy, and sustainability of its development and to comply with AB32, SB375, and its Climate Action Plan.**

PF-1.9 (p. 2-5) “Capacity Building and Self Governance”: Following the Ahwahnee Principles and common sense and good policy, it is essential that the County ensure the involvement of residents in self-governance. **Please change to: “The County shall *ensure that opportunities are available for the residents*”**

IM #3 (p. 2-71) “The County shall investigate techniques”: Please strengthen the implementation measure for PF-1.9; simply investigating techniques will not ensure involvement. Note that this is a Policy to “encourage” with an IM to “investigate techniques” – not specific or measurable! **Please change to: “The County shall investigate *and implement* techniques to provide for enhanced local input”** Surely, techniques for involving communities are well known already. Three Rivers found the community visioning process to be very useful; we achieved excellent participation. The City of Reedley (see General Comments above) outlines a plan used to good effect in their community. **Please implement as a key technique to ensure involvement: “The County shall hold as many meetings as possible in the evening so that working people may attend, and shall provide notice of these meetings in Spanish when the affected community’s adults speak predominantly Spanish.”** No flexibility is needed for this technique. It must be noted that local advisory boards cannot develop and maintain community and hamlet plans acceptable to the County without County staff committed to carrying the community through the

process. For well over a decade, the community of Three Rivers has tried to update its 1980 community plan, but the County has never been able to commit staff for long enough to make significant progress on the update. Presumably, this experience is typical of the other communities (many of which don't even have a plan yet, not to mention the hamlets, none of which have plans). **The County must truly prioritize and sustain this effort if it means to involve residents in self governance as it pushes more growth into their areas.**

PF-1.11 (p. 2-8): This is a new Policy. What are the “standardized rules for reviewing and adopting boundaries” and where do they come from? Will there be any public input into these rules? There is no IM for this Policy. When will it become effective? **The County should clarify this Policy and provide all communities to be affected by it with the rules information and an opportunity for input.**

MAPS, Figure 2.2-1 – Figure 2.2-22, (pp. 2-13 – 2-34): These maps should include what type of uses are proposed for each community, and each map should include a textual profile of the area depicted, with information on the size of the area (current and proposed), the amount of land designated for each type of use (current and proposed), existing infrastructure and services (e.g., water supply, quality, and capacity; wastewater capacity; drainage and stormwater facilities; school, library, fire station, etc.), the population (current and proposed), RDA information, etc. The present maps show lots of empty space, but give no real idea of present uses and densities, current capability to support and serve additional development, and proposed project buildout configuration.

NOTE: In the 2008 version, Figure 2.2-11 is the Patterson Tract Urban Development Boundary. **In the 2010 version, no map for Patterson Tract appears in this section of maps. Why?**

PF 2.2 (p. 2-9) “Modification of Community UDB”: These boundaries are rendered meaningless and cannot function to limit urban development nor to provide an outstanding quality of life because **the policies make them far too easy to modify, and even appear to encourage their modification. The boundaries should dictate development patterns; developers’ plans should not drive alteration of the boundaries:** that is a recipe for sprawl. Making the boundaries permanent through the GPU horizon will encourage efficient development within the boundaries; mitigation fees and tiered impact fees could be used to further efficiency also. Thank you for deleting the paragraph from the 2008 version beginning “Notwithstanding the foregoing criteria, the County may consider modification to a community UDB if it is determined that the Modification qualifies as a ‘regionally significant proposal’ through its following 4 bullet points , which was a wide-open growth-inducing invitation to sprawl. This is NOT what the people of this County want, it will work against compliance with AB32, SB375, and the County’s CAP, and it is definitely not needed. Innovation, mitigation, and financial benefits to the County can all be provided **within existing UDBs and HDBs.**

Please change the “should” to “may” in the next to last bullet (p. 2-9). The GPU must work for efficient, cost-effective, walkable/bikable development. We must learn to live within our means.

Please change the “should” to “shall” under the last bullet (p. 2-9), as Prime Farmland is an irreplaceable resource.

The GPU should include provisions for maintaining areas of Prime Farmland within UDBs, HDBs, and any other development boundaries in order to establish and maintain community-focused organic/sustainable agriculture to provide local food, learning opportunities, and recreation for the surrounding community. (This also applies to #3 on p. 2-10).

Thank you for including a requirement for sufficient water supplies under #2.

PF 2.2, # 2 (pp. 2-9 – 2-10) “Prior to approval of a UDB boundary expansion . . . may require . . . infrastructure master plan”: In the Matrix (p. 35) the suggestion that this wording be changed to “. . . the County shall ensure that infrastructure can be provided *and maintained* . . .” was rejected on the basis that “provided [implies] maintenance,” and that infrastructure is typically provided and maintained by CSDs and PUDs over which the County has limited control. This implies that the County then likewise could not ensure that infrastructure would be provided to service the new areas added to the UDB, in which case the new areas must not be added. Item #10 on page 2-13 requires that a Planned Community project set up funding mechanisms to cover initial capital costs as well as long-term operations and maintenance for infrastructure. Since #2 on page 2-7 is presumably resulting from a developer’s request to modify the community’s UDB, then it seems that **the County could make the same requirements as in #11 on page 2-68.**

PF-2.2 #3 (p. 2-10): This Policy states that “preservation of productive agricultural lands shall be the highest priority when considering modifications” to boundaries, but the County should include as equal priorities evaluation of GHG emissions, water supply and quality, and air quality impacts. Strong, clear responsible growth policies and implementation measures will benefit all of these key economic and quality of life issues.

PF 2.2, #3 (p. 2-10), Modification of Community UDB, Implementation #6 (p. 2-172) “The County shall define implementation standards for UDB and HDB expansions to avoid uncertainty”: Developing criteria for evaluating when non-ag lands are not reasonably available or suitable is key to the implementation of this important policy. It is not scheduled for implementation until 2015-2010. **NO UDB or HDB expansion should be allowed until these standards are adopted, and PF 2.2 #3 should so state.**

PF-2.4 (p. 2-10) Community Plans: This Policy is meaningless because it doesn’t state how the County shall ensure that the plans are prepared, updated, and maintained. The County’s track record (7 of the 22 communities still have no plans at all, many of the plans are long overdue for update, and the County does not seem able or willing to provide staff and other resources necessary to accomplish these important tasks)

indicates that “ensure” doesn’t mean much. It has already been several years since this Policy was written. Has any progress been made in that time?

PF 2.4 (p. 2-10), IM # 10 (p. 2-73) states factors for establishing priorities for community plan updates (per IM #9). However, the IM should indicate the order and weight of the priorities. In Three Rivers, whose community plan was adopted in 1980, a community plan update has been urged by the community for well over a decade, and the County has sporadically attempted to work on the update, but the process is nowhere near completion (not to mention the EIR).

IM #11 (p. 2-73): Performance measures in the community plans are a good idea. These measures should definitely include those that would demonstrate AB32 and SB375 and TC CAP compliance, such as transit, complete streets, GHG emissions, affordability of housing, density, energy and water efficiency of development, LEED and LEED-ND certification, etc.

PF 2.5 (p. 2-10) “Collaborative Community Planning Partnerships”: Please explain what is meant by “Requirements for New Town development shall be utilized to guide such private/public joint planning efforts.” It seems that if a developer is funding the community plan update, and this is being called a “private/public collaborative planning partnership” in the corresponding Implementation (#12, p. 2-74), the developer would have undue influence on the development of the community’s plan.

This new Policy and its Implementation need to be much clearer about who will be involved in the collaboration and what measures will prevent conflict of interest and undue influence on the plan on the part of the applicant(s). How will the County “encourage” such collaborative partnerships?

PF-2.6 (p. 2-10) Land Use Consistency: This Policy states that community plan content “may change due to the new requirements such as Global Climate Change and Livable Community Concepts.” **This should be revised to state that the plan content will change due to these requirements.** It should have been changed already. All community plans should also include designated groundwater recharge areas and bioswales and wetlands for stormwater management. Development should include land reserved for organic/sustainable agriculture to provide food, learning opportunities, and recreation for the community, along with groundwater recharge opportunities where applicable.

PF-2.7 (p. 2-10) Improvement Standards: This Policy should include as required urban standards the development of complete streets, Safe Routes to School, and extensive permeable paving. LEED-ND standards and the Ahwahnee Principles should be applied wherever possible. Streetscaping should comprise native and xerigraphic planting (including native large-canopy trees) and strictly controlled irrigation. Form-based codes and mixed use designations should be extensively applied.

Table 2.1 (p. 2-12) Community Plan Content: Please include Safe Routes to School, complete streets, community agriculture reserve, groundwater recharge reserve, energy efficiency, water efficiency, LEED and Ahwahnee principles, GHG emission reduction, air quality impacts reduction, recreational area reserve, native/xerigraphic landscaping, and other responsible, healthy growth content as discussed above and below.

PF-2.10 (p. 2-11), IM #17 (p. 2-75): This IM states that “context sensitive standards may be used to not overly burden existing residents” when implementing urban improvements in valley communities which previously had a UAB. **What does this mean? This IM should be much more clear and precise.**

Figures 2.2-1 through 2.2-22 (pp. 2-13 – 2-34) --Tulare County Communities Development Boundaries should be revised or augmented with text describing consistently for each the area comprised within the development boundary, the area already developed, the land use designations, the current densities (including vacancies), the current population and population projection for the 2030 project horizon, existing infrastructure and capacity (water, sewer, stormwater management, curbs, gutters, sidewalks, lighting), RDA status, and services (school, library, police fire, park and recreation, transit, etc.). The maps alone do not provide nearly enough information for the reader to get a compact overview of these communities and their capacity for growth.

PF-3.2 (p. 2-35) “Modification of HDB”: To protect water supplies and quality by minimizing hardscape and driving, to improve air quality by reducing VMTs, to improve health by improving air quality and promoting non-automotive travel, to preserve and protect natural resource lands, to reduce GHG emissions through more efficient development, **the GPR must place much stricter limitations on when an HDB may be modified.**

The indicated boundaries are rendered almost meaningless and cannot function to limit urban development nor to provide an outstanding quality of life because **the policies make them far too easy to modify, and even appear to encourage their modification. The boundaries should dictate development patterns; developers’ plans should not drive alteration of the boundaries:** that is a recipe for sprawl. The HDBs are huge. The County should make the boundaries permanent through the GPU horizon to encourage efficient development within the boundaries; mitigation fees and tiered impact fees should be used to further efficiency also.

At the least, please change to: “No change to an HDB shall be considered except during hamlet plan update, or unless an amendment is proposed to the HDB and the hamlet residents review and approve it (in addition to the requirement for a General Plan amendment).” Expansion of an HDB should be a last resort to accommodate more development. If 80% of the non-Williamson Act land within the HDB is developed, then 20% is still available.

Please **modify the fourth bullet to require that the available 20% be used (possibly as park or groundwater recharge or recreation land) before allowing consideration of HDB expansion.**

NO NEED FOR BOUNDARY EXPANSION

Studies, including one by the County's own consultant, show that all of the growth projected under the GPU through 2030 could easily be accommodated in our existing incorporated cities alone, not to mention our unincorporated communities and hamlets (or highway corridors or New Towns). Therefore, there is obviously **NO NEED** to expand **ANY** of our existing growth boundaries during the course of this **General Plan**. And there are **MANY** vital reasons **NOT** to expand any of them (conservation of natural resource lands and working landscapes, groundwater recharge and flood control areas, scenic vistas, good agricultural land, less expense to taxpayers, greater opportunities for grant and other funding, increasing opportunities for walk-ability and bike-ability, allowing for transit, reducing the increase of VMTs and helping to limit increase of GHG emissions to comply with AB32, SB375, and the County's CAP, etc.).

The GPU should follow the principles of responsible growth and the clearly expressed wishes of the citizens of this county; the County should **not waste the taxpayers' money and further jeopardize their health and welfare by promoting development that is not contiguous to existing infrastructure, services, and employment opportunities.**

PF-3.2 #2. (p. 2-35) "Modification of HDB": "Prior to approval of a HDB expansion": Please make this enforceable by changing as follows: "If the expansion pushes the hamlet . . . master plan for the hamlet *shall* be prepared . . ."

However, no significant development should be allowed to be planned in any hamlet until a hamlet plan has been completed (with, of course, full public participation), or updated, if such a plan already exists, including a clear factual analysis of the hamlet's short and long term ability to provide necessary urban services. If we can't afford to prepare the hamlet plan, incorporating the desires of its residents, and evaluating its capacity, then how can we afford the consequences of ensuing growth?

The **Planning Commission has urged (Matrix p. 45) that hamlet plans require compact development.** The policies under LU-1 (pp. 4-22 – 4-23) are too weak: they only "promote," "encourage," and "support" the principles of smart growth and healthy communities; **please make them firm and enforceable.** The Implementation Measures are (p. 4-33 ff) similarly too vague and weak (e.g., #3, which says the County shall "consider" incentives to "encourage" smart growth during 2007-2010); **please make them concrete and measurable.** It's already 2010, and none of the hamlets have plans yet.

IM #18 (p. 2-75) states: "The County, led by the Planning Commission, shall conduct a citizen outreach effort in Tulare County hamlets, to prepare guidelines for the preparation of hamlet plans." The Implementation for the outreach effort to prepare guidelines for the preparation of hamlet plans was **previously scheduled (2008 version) to begin in 2010-2015.** Now it's not scheduled to begin until 2015-

2020. Thus, many hamlets may have no plans during much of the GPU's timeframe (as many of the communities have not yet gotten plans after over three decades).

Please strengthen these policies and implementation measures to ensure that hamlet growth will be timely and responsibly planned on the basis of smart growth principles. (IM #18's suggestion of mixed use designations and appropriate use of form-based codes is a good place to start.) Again, compact, very efficient (in terms of use of land, water, energy, etc.) growth is our best chance of meeting the project's goals and the requirements of State law and our responsibility to the County's residents, current and future.

PF-3.2 #1, 4th bullet (p. 2-35): Item #3 of PF-3.2 states: "The preservation of productive agricultural lands shall be the highest priority when considering modifications. Expansion of a HDB to include additional agricultural land shall only be allowed when other non-agricultural lands are not available to the community for expansion. The fourth bullet is confusing in its present location, as it implies that HDBs may expand onto farmland, whereas #3 says it's the highest priority not to do so. **The 4th bullet should be moved under #3 as a clarification of that part of the Policy.**

Please include an effective Policy and IM in this area also to require that prior to any HDB expansion, impacts to air quality, water supply and quality, and GHG emissions must be equally high priority considerations.

PF-3.2 #2 (p. 2-35): Please change "should" to "shall" in the sentence "If the expansion pushes the hamlet towards a community classification, an infrastructure master plan should be prepared . . ."

PF-3.3 (p. 2-36) Hamlet Plans: This Policy is to be implemented by IM #18 (p. 2-75), IM #19 (p. 2-76), and IM #20 (p. 2-76). The Policy is important, because the County certainly should ensure that Hamlet Plans are developed with each of the hamlets' residents' input, and these plans definitely should be regularly updated and maintained. Thank you for including the all-important issue of long-term water availability and sufficiency. Obviously, if hamlet development is to proceed in an orderly and efficient manner that meets the needs and desires of their residents, the planning should occur BEFORE the development. **Please see comments on PF-3.2 and IM #18 above and apply them to PF-3.2 as well.**

IM #19, to proceed to prepare an implementation schedule and budget for hamlet plan preparation after adoption of the guidelines, is also not scheduled to commence until 2015-2020. Again, it appears that many hamlets are unlikely to have plans for at least another decade, and, based on the results of the community plan efforts, not within the GPU horizon. **This is a serious deficiency, which should be remedied before any significant development is guided into the hamlets.**

IM #20 indicates that funding for plans is largely dependent on sources outside of County funds, which very much increases the uncertainty of any plans being provided within the needed timeframe by this Policy and these IMs.

PF-3.5 (p. 2-136 “Improvement Standards in Hamlets”: RMA states on Matrix p. 47 re comment on this Policy that the County will not stop development in hamlets while new standards are developed, which will not be until after adoption of the General Plan. **Recommendation: to guide development in the interim, the County should adopt the Ahwahnee Principles and require all interim development to adhere to them. LEED and LEED-ND (ND released 04/29/10) standards could also provide good guidance. This Policy and/or its IM #22, (p. 2-76) must make clear what will guide hamlet development until hamlet plans are developed and adopted. Please also define and clarify the meaning and intent of “context sensitive standards” for improvements.**

PF-3.6 (p. 2-36) Becoming a Community: This Policy states that the Board of Supervisors, at its discretion, can designate a hamlet or other unincorporated place as a community. **Please explain the method and intent of this Policy. A hamlet is defined on p. 2-2 as an “unincorporated area that shares many of the characteristics of a community but on a smaller scale.” What changes when a hamlet becomes a community? What are the implications of the change? Where is the normal threshold for becoming a community? Why would the Supervisors designate an unincorporated place or hamlet as a community if it did not meet the definition of a community? What are the planning impacts of this?**

HAMLET MAPS, Figures 2-3.1 – 2-3.12 (pp. 2-37 – 2-48): These maps should include what type of uses are proposed for each hamlet, and each map should include a textual profile of the area depicted, with information on the size of the area (current and proposed), the amount of land designated for each type of use (current and proposed), existing infrastructure and services (e.g., water supply, quality, and capacity; wastewater capacity; drainage and stormwater facilities; school, library, fire station, etc.), the population (current and proposed), RDA information, etc. The present maps show lots of empty space, but give no real idea of present uses and densities, current capability to support and serve additional development, and proposed project buildout configuration.

PF-4 (p. 2-49) Goal: What are the “countywide economic development goals” that the following Policies are meant to carry out?

PF-4.1 (p. 2-49) “: What is the intent and implication of changing this Policy title from “UABs for Cities” to “CACUABs for Cities?” The language in the first sentence has been changed from the 2008 version, which said “the cities concerns *are* to be given *serious* consideration” to 2010’s “the cities’ concerns *may* be given consideration.” Why is the County taking the position that it no longer must seriously consider the cities’ concerns? Why shouldn’t cities make the decisions regarding growth within their UDBs and UABs if growth is to proceed in an orderly manner and the cities will soon be providing the urban services to these areas.? An appropriate revenue-sharing agreement must be reached between the County and the cities. Perhaps this should be arbitrated, since after two years of discussion, they haven’t agreed. Why should any development be permitted in the UABs during the life of this General Plan when there is plenty of room for all the growth projected for the next 30 years within the existing UDB of the cities alone, per the County’s own consultant?

Since “generally no public purpose is served by permitting intensive development therein,” **the County should establish greenbelt preserves between the urbanizing areas in order to maintain community identity, preserve open and agricultural land, maintain scenic landscapes, provide for recreation and habitat, help to clean the air and provide for groundwater recharge areas, etc.** Please explain why the County is going into the business of developing within these CACUABs when it has not adequately supported the development already established in the unincorporated areas. **Why not put development in already developed areas, where a workforce, infrastructure, and services already exist, to benefit existing developed areas and reduce VMTs, GHGs, and cost to taxpayers? When are these CACUDBs going to be established, and how?**

PF-4.2 (p. 2-49): What is the intent and implication of changing this Policy title from “UDBs for Cities” to “CACUDBs for Cities – Twenty Year Planning Area?” The first sentence has been changed from 2008’s “the County and cities *will* coordinate plans” to 2010’s “the County and cities *may* coordinate plans.” What is the cause of this Policy change? **Why shouldn’t cities make the planning decisions within their UDBs designated by the County, since the cities have to provide the urban services there?** Please see Matrix comments, p. 31, re PF-1.7. The second paragraph under PF-4.2 says “Within this boundary, the County may also establish planning areas representative of shorter time periods in order to assist in more precise implementation of plans and policies.” In 2008, this read “*community* plans and policies.” **What are the ramifications of this change?**

PF-4.3 (p. 2-50): The 2008 version said, “the County *shall* consider modification of UABs and UDBs at such time as the land use plan for a city is revised,” but the 2010 version says, “the County *may* consider modification of CACUABs and CACUDBs at such time.” **Please explain why this change from mandatory to permissive has been made.**

PF-4.3 (p. 2-50): The second sentence in 2008 said, “Preservation of productive agricultural lands and operations *shall be of the highest priority* when considering such modifications.” The 2010 version says “Preservation of productive agricultural lands and operations *shall be one consideration* when considering such modifications.” **Please explain what has caused this change in priorities, and what the other considerations will now be, along with preservation of agricultural lands and operations. Please ensure that this Policy states that these other considerations will include impact to air quality, GHG emissions, and water supply and quality.**

PF-4.3 (p. 2-50): The third sentence in the 2008 version, “Expansions for residential or other sensitive land uses will be discouraged if the boundary is currently, or will be when expanded, within one mile of an active dairy,” has been eliminated in the 2010 version. **Please explain why this provision is gone, and whether this means that there are now to be no restrictions on sensitive land uses in proximity to dairies. Has public input been solicited regarding this change?**

PF 4.3 (p. 2-50): The third sentence in the 2010 version is new: “Cities may examine existing CACUAB and CACUDB lines and recommend changes to the Board of Supervisors, as appropriate.”

PF-4.4 (p. 2-50): The 2008 version said, “The County acknowledges that the cities have primary responsibility for planning within their UDBs and are responsible for urban development and the provision of urban services within their UDBs.” The 2010 version says, “The County acknowledges that the cities have an interest in planning for growth within CACUDBs [sic] and will in the future become ultimately responsible for urban development and the provision of urban services within those areas upon annexation.” **Please explain how this huge shift in the County’s stance will affect planning in the UDBs/CACUDBs. How will this provide for planning and development that is more orderly, efficient, cost-effective, and beneficial to the residents of Tulare County?**

PF-4.5 (p. 2-50): The 2008 version said, “City UDBs and the SOI as administered by the LAFCO *should be consistent at all times* insofar as it is administratively feasible to do so.” The 2010 version says, “CACUDBs and the SOI as administered by LAFCo *may be consistent* insofar as it is feasible and appropriate to do so.” **Please explain the rationale for this significant change in emphasis and meaning.** It appears that the County’s intent is to minimize the authority and jurisdiction of not only the cities, but also LAFCo. Is this correct? If so, **why is this a better method of operation for the citizens of Tulare County?**

PF-4.6, (p. 2-50) Orderly Expansion of City Boundaries: The 2008 version said, “The County shall encourage orderly outward expansion of urban development by supporting those city UDB expansion proposals where the city has demonstrated a need for additional territory after documenting a good faith effort to implement programs for infill development and/or increased efficiency of development and minimize conversion of agricultural lands.” The 2010 version says, “When the County is considering outward expansion of County adopted city UDBs, the following criteria shall be encouraged.” **What is the rationale for this shift in emphasis and methodology, and how will it promote better planning and development?** The first bullet in the current version includes the “city has demonstrated need” language from before. The 2008 version next stated, “Evidence that expansion will minimize conversion of agricultural land requires a showing that at least 80% of the non-Williamson Act land within the existing UDB is developed with urban uses.” **Why has that requirement been eliminated from the current Policy? How does that further the goal of protecting agricultural and opens space lands and providing for efficient development? The 2008 provision should be re-instated in the 2010 version.** The current (2010) version has only the statement (second bullet) that “UDBs should not be expanded onto Prime Farmland if Farmland of Statewide Importance or of lesser quality is available and suitable for expansion.” **Please change “should” to “shall” to protect irreplaceable Prime Farmland.** (IM #24, p. 2-77, does say, “The County shall, when evaluating city General Plans for adoption, consider evidence provided that any proposed boundary expansion minimizes conversion of agricultural land by demonstrating that at least 80% of the non-Williamson Act Land within the existing UDB is developed with urban uses.” This IM certainly does not have the force and effect of the 2008 version of the Policy.)

IM #25 (p. 2-77) pertaining to PF-4.6 states that the “County shall work with the cities to develop a streamlined process for review of city General Plan updates and amendments.” **It must be ensured in this**

streamlining process that the public's opportunity for review and comment of such updates and amendments not be rushed or minimized.

IM #26 (p. 2-77) – Why is this significant? Why should an assessment district need to be established as part of annexing unincorporated residential areas? Why shouldn't the County be taking care of this in the first place? Is this a result of all the hassles over areas such as the Matheny Tract?

PF-4.7 (p. 2-50): The 2008 version said, "The County *shall* oppose any annexation proposal that creates an island, peninsula, corridor, or irregular boundary . . ." The 2010 version says "The County *may* oppose . . ." **Why has this Policy been changed? Has the nature of islands, peninsulas, corridors, and irregular boundaries changed, along with how they should be serviced?**

PF-4.8 (p. 2-50): The 2008 version said, ". . . the County *shall* maintain General Plan land use designations that are *consistent* with the city's adopted General Plan" on land within a city's UDB, but outside its incorporated limits. The 2010 version says "the County *may* maintain General Plan land use designations that are *compatible* with the city's adopted General Plan." **Please explain how this change will ensure orderly, well-planned, cost-effective growth and development. If the County no longer will maintain GP consistent land use designations, what is its intention? This sounds like a plan for incompatibility and inconsistency, which is not good design or sound planning. Please return to the 2008 language: "shall," NOT "may." The County must maintain land use designations consistent and compatible with the city's within these boundaries.**

PF-4.9 (p. 2-50) Updating Land Use Diagrams in CACUDBs: The 2008 version said, "Any unresolved conflicts between the County and city plans shall be identified for the decision-making bodies." The 2010 version states, "Any unresolved conflicts . . . shall be identified for the Board of Supervisors." **Why would the Board of Supervisors be the only decision-making body involved in such conflict resolution? How has the County demonstrated a superior record of decision-making in the areas of planning and development in Tulare County?**

PF-4.10 (p. 2-51) City Design Standards: The 2008 version said, "the County *shall* require the project to meet the development standards of the city in question" when the BOS approves development within the UDBs of incorporated cities. The 2010 version says, "the County *may* require the project to substantiate sufficient water supply and meet the County adopted city development standards of the city in question." Again, this is a recipe for haphazard growth, and **unless the County's development standards are demonstrably superior, the city's standards should be met. Please change the wording to "shall require the project to substantiate sufficient water supply for the life of the project."**

PF-4.12 (p. 2-51) Compatible Project Design: The “may” of the 2010 version should replace the “shall” of the 2008 version, as it is very important that proposed development in CACUABs be compatible with future sewer and water systems and circulation networks as shown in city plans. The alternative is inefficiency and great expense to the taxpayers down the road.

The GPU’s policies should demonstrate that the County is thinking of long-term sustainability, cost-effectiveness, health, efficiency, and public benefit. Policies such as the ones in this Element seem very short-sighted, expensive, and not in the public interest.

PF-4-13 (p. 2-51) Coordination with Cities on Development Proposals: This is yet another policy that is totally transforming the Planning Framework without any indication of how the changes will benefit the residents of Tulare County. The 2008 version very sensibly said, “The County shall promptly notify a city whenever activities requiring discretionary actions in unincorporated areas fall within a city’s UAB. The opinions and recommendations voiced by the city should be given strong weight in rendering the final decision.” The 2010 version says, “The County shall ensure that urban development only take [sic] place in County Adopted City UDBs if one of the following has occurred: 1. The adjacent city does not consent to annex the property for development . . . 2. Annexation is not possible under the provisions of State law, but it is determined by the County that development of the site does not constitute incompatible development.” **Please explain why this change is being made. How will this promote orderly, cost-effective, adequately served, and compatible development? What makes the County a better judge of compatibility with city requirements than the city?**

PF-4.3--PF-4.10 (pp. 2-50 – 2-51): Same comments as in PF-3 regarding hamlets. **Please adopt and adhere to the Ahwahnee Principles and the wishes of the public: expand existing development boundaries only as a last resort.** Inefficient development is the root of many of our problems with air quality, water supply and quality, GHG emissions, health, rapid loss of our natural resource lands, and diversification and strengthening of our economy. We do NOT need, nor given the requirements of AB32 and SB375, can we afford, ANY more of that. The County should provide for denser, more convenient, clustered, pedestrian- and transit-friendly development with a good jobs/housing/services/recreation balance.

PF 4.14 (p. 2-151) “Revenue Sharing”: The policy says that the County will “promote” revenue sharing as an element of negotiation under certain circumstances.

Implementation measure (#26, p. 2-77) says the County “will consider exploration of processes for furthering revenue sharing with individual cities. If a revenue sharing agreement is entered into with an affected city, the County *may* limit development in a CACUDB, consistent with the General Plan.” The

County has been talking for years about revenue sharing agreement with the cities. Perhaps it is time for mediation or arbitration on this issue. Given the County's arrogation of decision-making authority regarding CACUDB development in the present version of the draft General Plan Update, it would appear that cities offering revenue sharing would be no better off. **This IM makes it clear that County is making no guarantees on its part, which is certainly detrimental to sound and cost-effective planning. Where's the "promotional" part of this Policy and IM?** The Policy now offers an additional incentive, not part of the 2008 version: "As an additional incentive for directing urban growth into cities, any city proposing changes to a County Adopted City General Plan or other County land use regulations shall pay to the County its cost in considering and implementing such proposal."

Please provide a definite implementation methodology and timeline for getting a workable revenue-sharing agreement finalized. Perhaps some type of mediation or "Model Cities/Model Counties" intervention is needed. Please see Matrix p. 31, comment re PF-1.7. The commonweal suffers while the cities and County fail to resolve this important issue.

PF-4.24 (p. 2-54) Annexations to a City within the CACUDB: Please change "may" to "shall" in the first sentence: ". . . the County *shall* work with a city to provide that urban development . . . will be referred to the affected city for consideration of annexation . . ." For these boundaries to mean anything, the County must refer all projects to the cities within the CACUAB for potential annexation.

PF-5.1 (p. 2-67) "New Towns": Tulare County already has about 40 communities (including cities, unincorporated communities, and hamlets, not to mention all the Mountain Service Centers and the neighborhoods); the County's residents have no need or desire for more. They want growth focused in their existing communities, and it is strongly in the interest of sound planning, better air quality, lower GHG emissions, fewer VMTs, water availability and quality, public health, a sounder economy, the preservation of agricultural and open space lands, the provision of habitat and recreational lands, compliance with AB32, SB375, and the precepts of Tulare County's Climate Action Plan, etc. to PROHIBIT the development of New Towns and put new growth where infrastructure, services, and workers already are. The 2008 version said, "The development of new communities should be discouraged, at least to the extent that haphazard attempts at community development away from established urban centers should be discouraged." The 2010 version says, "The haphazard development of communities should be discouraged." The people of Tulare County say, "No New Towns." The County states that New Towns will "provide for orderly development of new areas within the County when appropriate to meet the social and economic needs of current and future residents," but **what social and economic needs require a New Town? Why can't these needs be met in our very various and numerous existing communities, so that we don't have to cut up and pave over a lot more of our agricultural and open space lands, irrevocably diminishing our rural heritage and character?** The Policy states that the new/planned community would have "its own mix of residential, commercial, industrial, public use areas and related facilities," but it doesn't state why that "mix" could not be developed within existing

UDBs and HDBs without sacrificing greenfields, agricultural lands and scenic landscapes, while locating people far from existing infrastructure and services. Who would judge the New Town “as it would affect the area as a whole and other policies and proposals of the General Plan?” Would residents of all the nearest communities be able to have a say? What is the rationale for discarding the County’s current communities, as if they have nothing to offer, and to build a wasteful and expensive New Town instead? The County must be certain to consider impacts such as excess VMTs, GHG emissions, air quality, water supply and quality, traffic, services, public health and safety, and compliance with State laws (e.g., AB32 and SB375).

PF 5.2 (p. 2-67) “Criteria for New Towns (Planned Communities)”: Policy (5.2) says that a New Town must be a planned community; however, a **planned community certainly does not have to be a new town**. Planned communities are not the issue. New Towns/planned communities located outside of existing development boundaries are the issue. Please **ADD to this Policy a numbered point stating that a planned community shall not be approved anywhere outside of existing development boundaries (UDBs, HDBs)**. All the elements of a planned community can be contained within such boundaries. Permitting development outside of these boundaries during the term of this General Plan would induce more sprawl development and would unnecessarily, and to the detriment of the health and safety of the citizenry and their expressed priorities, increase GHG emissions and VMTs and further erode the County’s ability to comply with AB32, SB375, and its Climate Action Plan.

PF-5.2, item #3 (p. 2-67): The County should require that the proposed project be required to have a fiscally neutral or positive impact on the County **through each and every phase** of its development and projected life.

PF-5.2, item #4 (p. 67): **The County should require that the infrastructure master plan evaluate sizing and extensions of infrastructure necessary to serve all phases of the development and any future planned development of adjacent areas, including a fiscal impact study analyzing costs of new demand for necessary infrastructure and services on both a short- and long-term basis, how they will be funded, and potential funding shortfalls.**

PF-5.2, item #6 (p. 2-67): This paragraph was #5 in the 2008 version, which had basically the same stakeholders list. **BUT** there is a significant change in the 2010 version for ONE of the stakeholders. The 2008 version includes “any applicable local planning committee.” The 2010 version says “applicable local planning committee established by the Board of Supervisors or Planning Commission.” **Please clarify how this revision will improve public outreach and opportunities for public input to these critical planning programs.** There is no IM for this Policy. **How would the Board or Planning Commission establish such local planning committees? Since the New Town/planned community is recognized as affecting “the area as a whole,” how is this reconciled with a “local planning committee?” Please provide a clear IM for this item.**

PF-2.5, item #7 (p. 2-68): This item was #6 (p. 2-13) in the 2008 version, which included the provision that “the Chairman of the Board of Supervisors sign the reimbursement agreement and any amendments or related documents subject to approval by County Counsel as to form.” **Please explain why this provision has been removed from**

the 2010 version and the ramifications of this. Who will sign these documents now? Will they still be subject to County Counsel approval?

PF-5.2, item #9 (p. 2-68): Thank you for including this vitally important requirement. Please clarify in this Policy that “adequate” means both in quantity and in quality, that the impacts to the source of the water supply and its existing users must be documented and mitigated if necessary, that the supplies must be demonstrated to be sustainable for the proposed life of the proposed development (including the ability to provide water and treat wastewater during peak periods and during sustained drought), and that the documentation must be prepared and submitted by a neutral third-party expert and be satisfactory to the County. The County should also consider the energy required to deliver water to the proposed development throughout its projected life and the related GHG emission impacts.

PF-5.2, item #10 (p. 2-68): The County should also require the applicant to provide information on anticipated home prices, rental rates, and dwelling sizes and ensure that there is sufficient diversity in housing types, sizes, and costs, including a detailed tabulation of the resultant densities of persons, dwelling units, building coverage, paving coverage, landscaped areas, and height of structures. Additionally, the County should require that a fixed number or percentage of the dwelling units be constructed as, and covenanted to be preserved as, affordable/inclusionary housing. In accordance with the requirements of the ordinances of other jurisdictions in California which have adopted PC Zone ordinances, the County should require that any New Town/planned community produce a distinctive and environmentally sound project of the highest quality and efficiency as evidenced by specific findings, with more economical and efficient use of the land, while providing for diverse and affordable housing, mixed use, amenities such as recreational and community facilities, and preservation of natural and scenic and cultural qualities and open space, along with detailed requirements for specific analysis and reporting of plans, infrastructure capacities, anticipated home prices and rental rates (including a housing market analysis and commercial/industrial market analysis satisfactory to the County demonstrating need and the public benefits that will result from the development). **New Towns/planned communities must be required** to focus on non-automotive oriented modes of transportation, and provide ongoing mitigation for loss of habitat, agricultural land; they must include open space (40% minimum), dwellings and commercial structures built to LEED and/or LEED-ND standards, cluster development, highly energy- and water-efficient buildings and landscaping, recycling, shielded exterior lighting, permeable paving, groundwater recharge and natural stormwater capture and treatment, etc.

PF-5.2, item #11 (p. 2-68): The County should additionally require that the project also provide infrastructure for active and alternative transit. The project must also reserve areas for effective groundwater recharge and natural stormwater management.

PF-5.2, #12 (p. 2-28) Please CHANGE from “Planned communities *should not cause*” to “*shall not cause*” conversion of Prime Farland., in order to be consistent with the goal of preserving the County’s irreplaceable Prime Farland. The County should require that Prime Farland be permanently conserved within New Towns/planned communities in order to provide sustainable/organic food for the adjacent/surrounding community,

along with learning and recreational opportunities for the residents. This could also help to mitigate for GHG emissions, provide for groundwater recharge, and retain open space.

PF-6.2 (p. 2-68): The 2010 wording is the same as that in 2008 except that the condition “as appropriate” has been added after “ensure that the County and the public are involved.” **Why has this change been made? Who determines what’s appropriate?**

PF-6.2 IM #30 (p. 2-78): This surprising IM (which seems unrelated to the gist of PF-6.2) states that management of the State and federally owned lands in the County should include “provisions for continued and improved access through and within the County.” **What does this vague measure mean?** Is it implying that there should be more roads through the federally owned lands? **The purpose of the management of these lands is certainly NOT to facilitate access through the County, but is instead to protect irreplaceable resources for the public good and to manage them sustainably.** If “improved access to” means the provision of less-polluting public transit, such as the recently-introduced bus service from Visalia to Sequoia National Park, then we’re all for it.

PF-6.4 (p. 2-69): The 2008 wording (p. 2-14) said, “The area within the UDB should be considered as the same area for which water and sewer system planning is accomplished.” The 2010 version starts with the same words, but then changes: “. . . area for which water and sewer system planning may be needed and to be a consideration in the determination of an area required to adequately assess the availability and sufficiency of water supplies.” Thank you for including the critical concern of water sufficiency.

PF-6.7 (p. 2-69) Public Outreach: **This Policy should include a requirement for meetings and other activities to be held in the evening, after normal working hours, to enable the working public to attend without having to miss work in order to participate.**

PF-7.1 (p. 2-69 Annual Review): The 2008 version specified that the Planning Commission was to report to the Board of Supervisors its annual review of the GP GPR implementation actions “*during the fall quarter of each year.*” The 2010 version says that the report will be “per Government Code Section 65400.” This section requires the planning agency “to provide by April 1 of each year an annual report.” **So when will Tulare County’s annual review be provided? This information should be stated in this Policy (as it used to be), so that the public will know when to expect it, and reporting for CEQA and EIR purposes will be certain.** The 2008 version said, “This annual report *shall* also be used to satisfy the requirements of the Public Resources Code (Section 21081.6) for a mitigation monitoring program.” The 2010 version is revised to say, “may also be used.” **If the annual GP GPR Report “may” or may not be used to satisfy the mitigation monitoring program requirements, then what report will do so? It is important that the public know when this information will be reported, and also very important for EIR mitigation and monitoring accountability.**

PF-7.2 (p. 2-69) Maintaining a Current General Plan: The second sentence is new: “The County shall maintain and shall collect a General Plan, Unincorporated Community Plan, and Code Maintenance fees at building permit issuance as established by the Board of Supervisors, to insure that the resources are available to fund the required updates of the General Plan.” This seems to be a fiscally prudent Policy, since, after over 30 years, 7 of the 22 unincorporated communities still have no plan at all, and many of those that exist are overdue for updating. **But what about Hamlet Plans, since none of the Hamlets have them? Why are these not included in this Policy? And what about plans for the Mountain Service Centers?**

PF-7.3 (p. 2-70) Maintaining Planning Consistency: Same comments as for PF-7.2 above.

COMPONENT B – TULARE COUNTY PROSPERITY

B. Prosperity (pp. B-1 and B-2); (see also Matrix, p. 85, #1): To improve its quality of life, attract investment, protect its agricultural economy, and promote self-sustaining communities, Tulare County must vigorously address its water crisis, its air quality, its GHG emissions, and its land use and development policies. This page recognizes that Land Use principles are an important element in a plan for prosperity, but fails to mention the extremely critical areas of air quality (and its health and economic impacts), water supply and quality (fundamental to everything), and global climate change, which is already impacting Tulare County and has major implications for its future prosperity. Both Agriculture and Land Use principles and policies are discussed elsewhere, but are still selected for mention on these pages. Air, Water, and Global Climate Change deserve equal mention, along with reference to the other Chapters in which they are further discussed.

B. Prosperity Component (p. B-1): The first paragraph states that the General Plan “uses communities and hamlets to accommodate new County growth while encouraging a majority of growth to occur within incorporated cities.” However, **the current version of the GP proposes extensive development outside of communities and hamlets, almost anywhere along the County’s highways and in undesignated locations for New Towns/planned communities, which apparently could be located almost anywhere in unincorporated areas of the County, which would clearly be detrimental to agriculture, natural resource lands, existing communities and hamlets, air quality, water supply and quality, and curbing GHG emissions. The GP should return to its prior focus, which would be a much more sustainable approach to long-term prosperity.**

B. Concept 2 Land Use (p. B-1): Same comment as directly above. **The County should describe in the GP what its options are to actually limit conversion of agricultural and natural resource lands to urban uses, such as utilizing lands that the County owns, zoning, or other methods.**

B. Concept 4 Housing (p. B-1): In the first line, “counties” should be “county’s.”

Agriculture Principle 2 “Maintain Separators” (p. B-2): The Matrix (p. 86, #1) states that rural landscape Separators between the County’s towns and cities are **mapped in Figure 7.3-1**. This Figure has not appeared in the 2008 or 2010 version of the GPR. Email from David Bryant, 2/19/08, says the sentence re Figure 7.3-1 s/b deleted, and to see Policy 3.2 on p. 7-4 of the GPU. This Policy is on p. 7-6 of the 2010I version. We believe **such a Figure is still needed; please provide it** (does SL-3.2 imply that the separators have not yet been defined?) **Rural landscape separators are very important fulfilling many of the GPR’s goals and policies, including maintaining community identity, maintaining the county’s scenic landscapes, maintaining important natural resource lands (agricultural, open space, habitat), addressing global climate change, and providing for recreational opportunities. If these separators aren’t designated and mapped now, there is little hope that there will be any. Please provide an appropriate Figure of a land use map designating where these rural landscape separators will be located, and act swiftly to ensure that they will be preserved before it’s too late.**

Land Use Principle 4 (p. B-2): Same comment as immediately above for Agriculture Principle 2.

Housing (p. B-2): “*State Legislator*” should be “*State Legislature*.”

3. AGRICULTURE

At the top of page 3-1, “Animal Confinement” was listed as a section of the Agricultural Element in the 2008 version. It is not there in the 2010 version. This is a critical omission because Animal Confinement Facilities are a huge component of Tulare County’s agriculture (and of its economy and of its GHG emissions). **Please restore this key section to the Agriculture Element, which cannot be discussed meaningfully without it.**

Key Terms – “Grazing Land” (p. 3-1): Unlike intensive agricultural lands, extensive agricultural lands (used for grazing) typically do not pollute air and groundwater with toxic chemicals, nor do they produce much in the way of GHG emissions. They can provide for groundwater recharge, protection of watersheds, flood management (when not severely overgrazed) maintenance of scenic landscapes, and carbon sequestration. **In striving to meet AB32 goals and to ameliorate the County’s water emergency and to address the County’s GHG emissions, protection and preservation of grazing lands can be a very important strategy. Please revise the second sentence to include these benefits.**

Farmland of Local Importance (p. 3-1): “*Statewide Import*” should be changed to “*Statewide Importance*” in the second sentence.

Agriculturally-Designated Lands (p. 3-1): This sentence has been changed from the 2008 version: it now shows only “Foothill Agriculture and Valley Agriculture.” **What happened to “Agriculture Intensive,” and “Agriculture Extensive?” Why has this change been made, and how does it affect the meaning of land use designations? Does this affect the maps?**

Urban Development Boundary (p. 3-3): This definition is not consistent with the definition in the Planning Framework (p. 2-3). **Please apply here also the comments made on that section.**

Existing Conditions Overview (p. 3-4): Agriculture value in 2005 (per the 2008 GPR) was \$4.3 billion. In 2008, per the 2010 GPR, it was \$5.01 billion [actually, \$5,018,022,800 total gross production value, per the 2008 Tulare County Annual Crop and Livestock Report]. This represents a huge increase in three years, and, since agriculture is the economic engine of the county, one would assume that it had a huge effect on the economic health and quality of life in the county. **The General Plan should examine this relationship more closely and present a cost/benefit analysis of this major industry and its chief components on the economic and physical health of the county. Simply presenting total gross production value is not a satisfactory measure of the importance and impact of agriculture, and the net value (and not just in dollar figures) should be reported as well. The Background Report and the RDEIR should both substantially address this, because it should figure substantially in planning and land use for the County’s next 20 years. The figures in the 2008 GPR compared with those in the 2010 GPR show that over 5,000 acres of Prime farmland were converted from 2004 to 2006. What is the economic impact of such conversion?**

Animal Confinement Facilities Plan (p. 3-4): Animal confinement facilities (e.g., dairies, feedlots, etc.) are a major component of agriculture and the economy in Tulare County, and milk is far and away the County’s single leading commodity. **The County’s failure to substantively address these facilities in the GPU documents constitutes a major omission and detrimentally limits the public’s understanding of the importance of AFCs to existing conditions in the County, environmental impacts in the County, and the adequacy of the County’s related Policies and Implementation Measures and mitigation measures. The new Climate Action Plan points out that 63% of the GHG emissions in the unincorporated area of the County are from dairies and feedlots (the next largest source is Mobile Sources, at 16%). The County should revise the GPR, the BR, and the RDEIR to include substantially more information related to this key subject, in proportion to its importance to all these aspects of the GPU. To simply state that the County has a Plan, which is incorporated as Chapter 12 in the GPR (when Chapter 12 has no contents other than a paragraph stating that the Plan is incorporated) gives the public no understanding of the history, challenges, and problems associated with this Plan, which is still being worked on. Without much better coverage of the ACFP, this GPU is inadequate, misleading, incomplete, and certainly fails to examine and disclose the potential significant adverse environmental impacts of a major component of the County’s land use, agriculture, and economy, affecting**

air quality, water supply and quality, GHG emissions, soil, flora, fauna, public health (and, in some cases, scenic landscapes).

AG-1.1 (p. 3-4): Does agricultural land return a higher net benefit economically to the County because it costs less in terms of County services and infrastructure than other uses compared to its yield? Does agricultural land create fewer adverse environmental impacts than urbanized land? **These questions should be addressed in the Background Report and RDEIR. Also, what is the logical relationship between AG 1.1 and AG-1.5, the first of which strives to maintain agriculture as the primary land use and the second of which may work to remove land from Williamson Act Contracts.**

IM#1 (p. 3-9) states that the County “shall take the lead” [ongoing] to work with cities and TCAG to establish a comprehensive agricultural land mitigation program. **This is NOT a satisfactory IM because there is no way to measure it and no timeframe for accomplishing the implementation of the program.** For how long has the County been taking the lead, and where are the results? **This Policy and its IM will not serve as mitigating and implementation measures for the RDEIR.**

AG-1.3 “Williamson Act” (p. 3-4): The County downgraded this policy from “shall” promote to “should” promote. Given the importance of agriculture to the County, and the importance of the Williamson Act to agriculture, **why was this change made? Please change it back.** If the State subvention program is not funded, how will the County’s policies on Agriculture Preservation change?

IM#2 (p. 3-9) states that the County shall review preservation programs and assess their effectiveness (ongoing).

IM #3 (p. 3-9) states that the County shall maintain a database of agricultural preserves and review it to determine whether any unincorporated community is being unduly constrained or confined by Williamson Act land.

This Policy and its IMs clearly will not serve as mitigating and implementation measures for the RDEIR. “Should” is not a Policy and reviewing and assessing will not mitigate loss of agricultural resources.

AG-1.4 “Williamson Act in UDBs and HDBs” (p. 3-4): **How many acres are comprised in the new HDB areas, where RVLP will no longer apply?** This Policy states that the County shall support non-renewal and cancellation of Williamson Act contracts. Why couldn’t Williamson Act land in UDBs and HDBs be kept in the Williamson Act for land conservation purposes and used as much-needed recreational space, open space, habitat, groundwater recharge, or community supported agriculture?

IM#2 (p. 3-9) has already been discussed.

IM #3 (p. 3-9) states that the County will regularly review agricultural preserves within UDBs to determine whether the community “is unduly constrained or confined” by Williamson Act land. **The County should**

also consider whether the community is utilizing land for development efficiently, per smart growth and liveable communities principles.

IM #3 “County shall maintain comprehensive database of ag preserves” (p. 4-7): This measure does not promote the long-term preservation of productive and potentially-productive agricultural lands. **This IM should include a mitigation measure with a ratio of at least 1:1 or better for the conversion of such preserves to urban development, preferably one that ensures that the protected lands are located within the County and are part of an established mitigation banking program.**

This Policy and its IMs will not serve as mitigating and implementation measures for the RDEIR for conserving agricultural resources.

AG-1.5 (p. 3-5): States the County may work to remove parcels from Williamson Act contracts

IM#2 and #3 (p. 3-9) have already been discussed.

This Policy and its IMs obviously will not serve as mitigating and implementation measures for the RDEIR for conserving agricultural resources.

AG- 1.6 “Conservation Easements” (p. 3-5): Comments on this Policy (Matrix, p. 101) urged the County to adopt mitigation measures for the loss of agricultural land, such as requiring conservation easements and requiring developers to pay into a mitigation fund to be used to purchase development rights for agricultural land of the same classification of the land to be developed. The County responded that impact fees for agricultural land conversion would not be feasible without cooperation from the cities and a countywide approach.

The RDEIR states (p. 3.6-45) that the City of Visalia” has imposed a land based charge on lands being converted from agricultural to urban uses to address the shift of water supply from a conjunctive use basis to that of exclusive groundwater.” Is this an impact fee for agricultural land conversion? Has the County polled the cities on their interest in cooperating in such a policy?

The RDEIR states (p. 3.10-15) that the County will “coordinate regional efforts to preserve farmland or slow the conversion of farmland within Tulare County.” In the 2008 DEIR, (p. 3.8) to mitigate for the loss of important farmlands, revised policy AG-1.6 was required. On p. 3-9, AG-1.6 stated, “the County *shall* develop an Agricultural Conservation Easement Program This program *shall* require payment of an in-lieu fee

[which] *shall* recognize the importance of land value and shall require equivalent mitigation.” **The revised Policy AG-1.6, which “would be required,” is now located on p. 3-5 of the 2010 GPR, but IT HAS BEEN CHANGED to “the County *may* develop” and “this program *may* require.” “May” is not a Policy statement; “may” is not a specific course of action. AG-1.6 no longer serves as a mitigation measure for the RDEIR.**

Furthermore, the text of AG-1.6 on p. 3-5 of the GPR **does NOT include some of the language in AG-1.6 on p. ES-10 of the RDEIR. Please correct this discrepancy.** The RDEIR version includes “The ACEP may be used for replacement lands determined to be of statewide significance (Prime or other Important Farmlands), or sensitive and

necessary for the preservation of agricultural land, including land that may be part of a community separator as part of a comprehensive program to establish community separators.”

The title of AG-1.6 in the RDEIR needs to be corrected from *Conversion Easements* to *Conservation Easements*.

IM#1 (p. 3-9) states that the County “shall take the lead” [ongoing] to work with cities and TCAG to establish a comprehensive agricultural land mitigation program. **This is NOT a satisfactory IM because there is no way to measure it and no timeframe for accomplishing the implementation of the program.** For how long has the County been taking the lead, and where are the results?

IM #5 (p. 3-10) is the only other IM for AG-1.6. It says only that the County shall work with others to establish criteria for the locations for agricultural conservation easements. **Establishing criteria for locations does NOT mitigate anything. Only conserving suitable locations will provide mitigation. This Policy and its IM are useless.**

How will the County go about establishing this program? An article in the Fresno *Bee* on 07/22/07 titled “Trust seeks to keep farmland free of development” stated that Tulare County’s Sequoia Riverlands Trust includes in its mission conservation of farmland, and that the Great Valley Center in Modesto has urged the Trust to work on farmland conservation. Is the County working with the Trust on a program to conserve farmland?

Hasn’t most of the farmland on the valley floor already been classified (e.g., as Prime, Statewide Importance, etc.), so that the County already knows where the best farmland is? Has the County applied to the State’s Resources Agency for funds for farmland mitigation? Is the County considering a developer impact fee for farmland mitigation?

Both IMs (#1 and #5) are too vague to be measured or enforceable and should be made specific and given a deadline for establishment of the mitigation program and the locations for the conservation easements. How can this Policy and its IMs serve as mitigation for the GPU’s impacts if the conservation program is not adopted and in place by the time the impacts begin to occur? This Policy and its IMS will not serve as mitigating and implementation measures for the RDEIR.

AG-1.7 “Preservation of Agricultural Lands” (p. 3-5): Please clarify and strengthen this Policy to “promote” preservation of the County’s agricultural economic base and open space resources, and its Implementation Measures (pp. 3-9 and 3-10, #1, #6, and #7) so that they are clear, concrete, direct and enforceable, with measurable results and a definite timeframe (all the IMs are “ongoing”). “Promoting,” “taking the lead,” and “monitoring” have not yet provided a functioning, enforceable program to find, fund, and preserve such land through mitigation or other preservation programs. This Policy and its IMS will not serve as mitigating and implementation measures for the RDEIR.

AG-1.8 (p. 3-5): This Policy has been changed from the 2008 version, which said, “If proposed within a UDB of an incorporated city, *the County must receive consent of the affected city.*” The 2010 version says, “. . . the County

shall give written notice to the affected city pursuant [to] Government Code Section 51233.” Please **explain why the County has changed its stance and no longer requires the city’s consent. How does this provide for better planning and the protection of agriculture?**

IM#6 (p. 3-10) has also been changed from the 2008 version. It references RVLP Policy-1.1, which has also been significantly changed from the 2008 version (the new version allows development apparently anywhere in the RVLP area via highway corridors and New Towns, etc.). IM#6 additionally says [new] that the RVLP point total “shall be considered *along with other relevant information* to determine the establishment and expansion of UDBs.” **What is the other relevant information, and how does it weigh in comparison with the RVLP point total? When is a Plan not a Plan?** These changes continue the pattern in the 2010 GPU of reducing or eliminating constraints on the location of development in the County. Thus, **the GPR’s Policies and IMs, already too often far too vague and weak to serve as mitigation and implementation measures, become increasingly tilted away from providing any mitigation and implementation at all for the RDEIR, and instead in many cases actively work against it.**

AG-1.10 “Extension of Infrastructure Into Agricultural Areas” (p. 3-5) and Implementation Measure #8 (p. 3-10): Extending urban infrastructure into areas designated for agriculture is a clear inducement to growth. The County changed its Policy wording from “discourage” to the stronger “oppose,” but then (in the IM) requests LAFCo only to “discourage” these infrastructure extensions; the timeline for requesting LAFCo action has been changed from 2010-2015 in the 2008 version to 2015-2020 in the current version. Making a request by 2020 will have little mitigating or implementing effect, and “discourage” is not an enforceable rule. **This Policy and its IMS will not serve as mitigating and implementation measures for the RDEIR. Please change this timeline. How long does it take to ask LAFCo to do something??**

AG-1.11 “Agricultural Buffers” (p. 3-5): Please change from “shall examine the feasibility of” to “*shall ensure the establishment of agriculture buffers . . .*” **Protective buffers for schools should be specifically included and emphasized in the buffers program.**

The buffer program could provide significant benefits to the health and safety of County residents. In addition to helping to “stabilize edge conditions, protect agricultural operations, and moderate untimely conversion of farmland,” (IM #9, p. 3-10), buffers could provide open space and recreational areas for walking and bicycling. Planted with native vegetation, they would also provide a bit of habitat, air cooling and cleaning, visual relief, beautification, and an opportunity for exercise away from motorized traffic. They could also provide groundwater recharge areas, natural stormwater management, and public health and safety benefits. **A Policy that will only “examine feasibility” with an IM that will only “consider” implementation will not serve as mitigating and implementation measures for the RDEIR. The IM should include the public in the proposed stakeholder groups. The first bullet should restore the 2008 distance of 300’ (eliminated in the current version). The**

“implementation” targeted for 2010-2015 should be clarified: **Is this implementation of the stakeholder groups or of the Agricultural Buffer Program itself? The Agricultural Buffer Program should be a high priority, as it is important to many of the GPR’s stated Goals. Already the target date has been changed from 2007-2010 to 2010-2015. As the GPR notes (p. 1-11), “implementation can take time” and is subject to all kinds of limitations and other considerations. Given these disclaimers, what can the public rely on then, in the way of promised RDEIR mitigation and implementation?**

AG 1.12 “Ranchettes” (p. 3-6): This Policy is so vague as to be meaningless, and no IM is listed for it. The Matrix mentions (p. 105, #1) that two plans were developed in the County in the 1970’s for ranchettes in areas that are not built out yet. Where are those areas, what do the plans allow, and what is the areas’ remaining capacity?

The Matrix also refers to LU-3.5 (p. 5-17), which said in the 2008 version that the County “shall not *designate* any new rural residential development in the RVLPA area” unless “other objectives, such as buffers” can be achieved. The current version has been changed to: “The County shall *not re-zone* any new areas” unless “other objectives, such as buffers *and the relationship of the development to surrounding uses*” can be achieved. **Why were these changes made? What’s the difference in meaning and intent between “designate” and “re-zone?” What is meant by “the relationship of the development to surrounding uses?” Please clarify and strengthen this weak Policy and provide it with a concrete Implementation Measure. Please define what the “other objectives” would be. Buffers will certainly not solve the problem of sprawl development in the RVLPA. Neither AG-1.12 nor LU-3.5 has an IM. These Policies will not serve as mitigating and implementation measures for the RDEIR.**

Please change Policy AG-1.12 to: “The County shall prohibit the creation of any new Rural Residential Designations (ranchette developments), in order to use its developable land efficiently.”

AG-1.13 #2 (p. 3-6) “Agricultural Related Uses”: Please correct to “The use *shall* not be sited” Also, in #5, “criteria” should be “criterion.”

AG-1.16 “Schools in Agricultural Zones” (p. 3-7): Please change this Policy to “The County shall *strongly discourage* the location” (Thank you for including the information re GC Section 53094.) Schools should be located within the communities they serve so that their students can safely and conveniently walk and bike to school and readily participate in after-school activities.

Locating new schools in agricultural zones not only exposes students more directly to health hazards such as dust and pesticide drift and overspray, but is also growth-inducing, increasing the pressure for further conversion of agricultural land to development.

No IM is shown for this “New” Policy other than #12 (p. 3-11), which is shown as ongoing, and indicates only that the County will indicate to school districts which infrastructure facilities and services require further analysis.

Please provide a stronger Implementation Measure to show how the County will work to discourage new schools in areas designated for agriculture.

AG-1.17 “Agricultural Water Resources” (p. 3-7): Please clarify and strengthen this vague Policy and provide it with at least one concrete IM to enable measurement of its results; requirements for water conservation must be included and implemented; the ACFP must be included. The agricultural industry must play a major role in this protection and enhancement process.

AG-1.18 Farmland Trust and Funding Sources (RDEIR Table ES-3, p. ES-10, etc.): This new Policy states that “The in-lieu fees collected by the County may be transferred to the Central Valley Farmland Trust or other qualifying entity, which will arrange the purchase of conservation easements. The County shall encourage the Trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund implementation of the ACEP.” Why is the Central Valley Farmland Trust designated here? This Trust operates in four counties (Sacramento, San Joaquin, Stanislaus, and Merced), none of which are even near Tulare County. Why isn’t Tulare County’s Sequoia Riverlands Trust designated? If the County does not transfer the in-lieu fees to some trust or other qualifying entity, what will happen to the fees, and how will they be used by the County?

AG-2 “Agriculture Productivity and Employment” (p. 3-7): To “support increased viability of agricultur[al] production,” the County must include under this goal policies that will require its agricultural sector to become more resource efficient, in terms of conserving and reclaiming and reusing water, in terms of energy efficiency (as in AG-2.11), and in terms of reducing negative impacts on air, soil, and water, and reducing GHG emissions.

For example, AG-2.1 should include a focus on drought-tolerant crops; AG-2.3 should assist higher-value crops only if they are not water-intensive; AG-2.4 should ensure that crop care education includes Best Management Practices (BMPs) for water-efficient irrigation, for soil conservation, for watershed and riparian area preservation, for minimizing applications and adverse impacts of applications of polluting chemicals, etc.

Increased viability of agriculture must not be supported at the expense of the viability of our natural resources and the health, safety, and welfare of our residents. To achieve compliance with AB32 and with the County’s new Climate Action Plan, much will have to be done in the agricultural sector. The County should aim its policies toward achieving sustainable agriculture, the only way to achieve its long-term viability benefit to the County.

All of the AG-2 Policies are too vague (“support,” “encourage,” “work to”) to serve as mitigating policies for the RDEIR, and none has an IM except AG-2.11 (which has IM#13 on p. 3-12, stating that the County is already amending the Zoning Ordinance to provide for agriculturally related energy production industries; please clarify what these changes are), so none of the others serves as an implementation measure for the RDEIR either.

AG-2.5 (p. 3-7): What is meant by “accelerated development” of these industries? What would this entail?
AG-2.9 (p. 3-8): What criteria will demonstrate that Tulare County is a “premier location” for the production of globally-distributed products? Will these include our terrible air quality? Our water crisis? Our dreadfully high asthma rate? Tulare County should strive to attract clean, resource-efficient, responsible industry that could help to alleviate its 27% poverty rate while not adversely impacting its already deteriorating environment.

AG-3 “Support the responsible development and economic viability of animal confinement facilities” (p. 4-6 in the 2008 version) has been eliminated from Chapter 3-Agriculture in the 2010 version, which now contains no mention of this tremendously important element of the County’s agriculture. Animal confinement facilities significantly impact not only the County’s economy, but also its air quality, water quality, soil quality, GHG emissions, and public health, safety, and welfare. The dairy industry is the single largest force in the County’s agricultural economy, but ACFs are completely minimized and made almost invisible in the GPU documents. Why does the GPR now make no mention of any Goal at all to support “responsible development,” and “economic viability” of these facilities?

Why are no Policies or Implementation Measures provided in the GPR to clarify and implement such a goal? Page 12-1 of the GPR states that the ACFP contains policies and standards that address the location and development of dairies and other bovine animal confinement operations in Tulare County, but it provides no listing or summary of these policies and their implementation measures (if any). This is a serious deficiency in the GPR. Page 12-1 should also reference the Draft Supplemental Program Environmental Impact Report for the ACFP, which the County agreed to prepare in June, 2001, to settle CEQA litigation on the ACFP, and which is to “include a reasonable analysis and discussion of cumulative air quality impacts, groundwater quality impacts, and air quality impact mitigation measures” for the ACFP. Page 12-1 should also discuss the impact of ACFs on GHG emissions and refer the reader to the new Climate Action Plan for more information.

INADEQUATE BACKGROUND REPORT AND RDEIR EXISTING CONDITIONS AND BASELINE INFORMATION:

The Background Report (BR) discusses Dairy Production on pp. 4-21 – 4-23. The 2008 version (pp. 4-18 – 4-21) stated that in 2003 the County had 303 dairies and 358,000 dairy cows, per the University of California Agriculture and Natural Resources Department, with, as of 2004, 23 new dairies and 47 dairy expansions awaiting permit approval.

Please explain why the 2010 version switches its data source to the California Department of Food and Agriculture and the U.S. Department of Agriculture, It states (p. 4-21) a total of 332 dairies and over 481,000 dairy

cows in the county in 2007, with 124 applications for new or expanding dairy facilities pending in November of 2008 (85% of the applications for existing dairy expansions). **The BR information should be updated.**

(As of July, 2007, the County was reporting **812,249 head, with 8,203,563,554 dairy wastewater gallons applied to cropland, and 1,233,320 tons of manure recycled and/or hauled offsite**, with the proviso that “the data is only as accurate as the information provided by the dairymen.”)

The BR mentions dairy issues that the 1992 Agricultural Advisory Committee addressed, including **lack of tracking of solid waste disposal; increasing herd sizes without obtaining a special use permit; and the fact that the County’s animal density standards in its 1974 Animal Waste Management Element were more permissive than the Regional Water Quality Control Board’s requirements.** It states that in 2000, Phase I of the Animal Confinement Facilities Plan was prepared, along with a program EIR that raised issues including **degradation of surface water, groundwater and air quality; land use conflicts; potential health hazards; and loss of natural habitat.** **The Background Report must be updated to discuss also the issue of ACFs’ contribution to GHG emissions.**

The Background Report, which is supposed to provide “a detailed description of conditions in the planning area” provides no further information regarding these substantial impacts, merely mentioning that the County is currently preparing a Supplemental Program EIR to further examine cumulative air and water quality issues, and that Phase II of the ACFP will address animal confinement facilities for other types of animals. **Figure 4-2 “Existing Dairy Production” (dated 2000), BR p. 4-22, shows concentrations of dairies from the north end to the south end of the County’s valley floor, but does not state the number of dairies, nor their acreage, nor their herd size. This Figure must be updated (year 2000 data are not sufficiently current) and requires a textual explanation of number of dairies, acreage, herd sizes, and totals.**

The RDEIR provides almost no baseline information at all on Animal Confinement Facilities (e.g., dairies and feedlots). It provides **Table 3.3-5 on p. 3.3-20** (which was Table 4-2 on p. 4-50 in the 2008 DEIR), “Tulare County On-road Vehicle and Dairy/Feedlot Operational Emissions,” but provides no context to allow the reader to understand the magnitude or the significance of these emissions. It provides no information on ACFs’ impacts to water and soil and to GHGs. It does not address the impacts to the public’s health, safety, and welfare, or the County’s ability to comply with AB32 and with its new Climate Action Plan.

The Background Report and the RDEIR should discuss the following, to provide a useful baseline:

The County’s DSPEIR appears to have been circulated in October, 2006, but then what happened? Some of its proposed measures were included in the 2008 GPU DEIR (pp. 4-52 ff), AQ-4.6 and AQ-4.7), but not all of them, in the Air Quality and Global Climate Change section. **Why have these measures disappeared from the 2010 RDEIR?** (Even in the 2008 version, seven of the proposed measures were omitted.) **Where are the dairies’ impacts on groundwater discussed? What about their impacts on soil? Has the County studied and assessed the adverse impacts of dairy operations in the Chino Basin of California?** In the Chino Basin, dairies are being connected to the Orange County Sanitation District’s Regional Interceptor line in order to divert tons of biochemical

oxygen demand, suspended solids, and dissolved solids from degrading the water quality of the underlying aquifer and the Santa Ana River. How much would a similar project cost Tulare County, to protect its aquifers from potentially devastating spills of manure-laden dairy waters?

Is there evidence that the measures being proposed in the ACFP and its DSPEIR will keep Tulare County from incurring the same environmental degradation and huge infrastructure costs that have plagued the Chino Basin area (which has far fewer milk cows than Tulare County)? Is there evidence that these measures have been successful elsewhere, and, if so, to what degree? The RDEIR should discuss mitigation measures such as the installation of methane digesters, the installation of solar systems or wind generators, and the incorporation of green building principles into the design and construction of ACFs to offset impacts.

What are the policies and implementation measures that are allowing Tulare County to permit huge increases in the numbers of dairy cows, with the total projected to exceed 1,100,000 in the near future?

Why is Tulare County projected to have well over twice as many dairy cows as any other county in the San Joaquin Valley, despite the adverse impacts to air and water quality and GHG emissions caused by dairy operations? Of the 8 counties in the SJVAB, Tulare County accounts for more than 30% of the total dairy AUs and more than 16% of total feedlot cattle (DSPEIR, p. 3-53).

Why does Tulare County have only one inspector for its hundreds of dairies, so that they are inspected at most only once every five years?

ANIMAL CONFINEMENT FACILITY AIR QUALITY IMPACTS:

The following information, as a minimum, should be presented and discussed in the GPU documents (BR, RDEIR, and GPR, as appropriate) to provide the public and decision-makers with facts necessary to an understanding of this significantly impactful sector of the County's agricultural industry.

The SJVAB has been designated as nonattainment for the federal PM 2.5 standard and serious nonattainment for the 8-hour federal ozone standard. **Cumulative dairy emissions within the SJVAB will increase by 23%; a "substantial portion of the cumulative increase is because of the increased number of dairies in Tulare County" (DSPEIR p. 3-53).**

Tulare County is classified extreme non-attainment for ozone and severe non-attainment for federal PM10 and non-attainment with federal PM2.5 (the deadliest particles). Major contributing sources of PM10 emissions are (1) entrained roadway dust and (2) farming operations. **Dairies are major contributors in the roadway dust area and the farming operations area.**

The ACFP/FPEIR (p.69) describes how 80,000 pound dairy milk tankers traveling on minor roads inadequate to the weight and frequent trips of these vehicles are degrading and destroying the County's rural roads at an accelerated rate. (See also BR p. 5-39 ff.) Since the County doesn't have the money to re-engineer and rebuild and maintain the roads for this type of traffic, the County will abandon the roads and no longer maintain them, so that they will go back to dirt, and rely on the dairies to keep down the mud and dust on the abandoned roads. How will this enable Tulare County to meet air quality goals?

“Dust (PM10), NOx and ROG emissions from any dairy project site would contribute to criteria pollutant emissions generated throughout the SJVAB. . . . “An increase in greenhouse gases, including methane, in the atmosphere is an international environmental issue” (DSPEIR p. 3-54). **How will adding 165,000 cows (above our 836,000 current dairy cows) help Tulare County to meet GHG goals?**

“Ammonia (NH3) is a strong alkali that is a severe eye, ear, and throat irritant. Ammonia reacts with nitrates and sulfates in the air to form ammonium nitrate that is a particulate less than or equal to 2.5 microns. It is a precursor of PM-2.5” (ACFP/FPEIR, p. 75). About 90% of ammonia emissions come from animal husbandry, with cattle and calves accounting for about 43%; there are additional ammonia emissions after the spreading of manure” (ACFP/FPEIR, p. 76). PM-2.5 is the deadliest of particulates. **How will this hugely increasing dairy industry impact the health of Tulare County residents?**

“Each new dairy or other animal confinement facility that is constructed in the county would contribute on an incremental basis to the generation of PM-10, ammonia (a precursor to PM-10), and ROG (a precursor to ozone). Because the San Joaquin Valley is designated as “non-attainment” for both PM-10 and ozone, any increase in emissions would further the non-attainment status” (*ibid*). **How will these constantly increasing impacts to our air quality affect visibility and our tourist industry?** “Emissions of fugitive dust and gaseous air pollutants from dairy operations and non-dairy cattle feedlots are recognized to contribute a significant fraction of the total air pollutant emissions within the SJVAB” (SPDEIR, p. D-1).

“**Dairy-related emissions within Tulare County are predicted to increase by roughly 38% in the future compared to existing [2004] rates**” (SPDEIR, p. D-5), and this is based just on proposed future dairies and dairy expansions at that time.

ANIMAL CONFINEMENT FACILITY WATER QUALITY IMPACTS:

The following information, as a minimum, should be presented and discussed in the GPR (in the Agriculture Element or in the Water Resources Element), and in the GPU RDEIR, which presently seems to deal only with domestic water and wastewater systems, like the Background Report).

When 51 wells were sampled at ACFs throughout Tulare County in 2001 and 2002, per the DSPEIR, **sodium violated the human toxicity threshold in approximately 88% of the samples, the taste and odor threshold was violated in approximately 77% of the samples, nitrate levels exceed the California Primary Maximum Contaminant Level and California Public Health Goal for Drinking Water in 35% of the samples** (and the sample wells do not represent the highest nitrate concentrations in Tulare County; when nitrate concentrations for the 51 wells plus Central Valley RWQCB monitoring wells were combined and averaged the **average nitrate concentration for approximately half of the wells in both sets of data exceeded the EPA primary MCL**, per

DSPEIR, p. F-6), total coliform was detected in 19.6% of the samples (and fecal coliform in one; the state has a health goal of zero total coliform because the presence of any coliform in drinking water causes a health risk), and the TDS (total dissolved solids) threshold was exceeded in about 12% of the samples (DSPEIR, p. 3-56).

Wells up-gradient of dairies have the lowest nitrate concentrations, while wells down-gradient have the highest concentrations (DSPEIR, p. 3-57). The highest concentrations were generally found in wells located down-gradient of croplands (DSPEIR, p. F-8). Animal waste contains high levels of nitrogen compounds; nitrate is the most common form of nitrogen associated with runoff or seepage from dairies to groundwater, and it was detected at somewhat elevated concentrations in the dairies from which groundwater samples were taken. Nitrate can cause health problems to infants, children, and other groups.

Drinking well water containing total nitrogen exceeding the MCL value (35% of the sampled wells exceeded the MCL value for nitrates) can lead to methemoglobinemia ("blue baby syndrome"; hemoglobin is converted to the methemoglobin form in the circulatory system, which reduces the oxygen-distributing capacity of blood throughout the body) in infants, children, and sensitive individuals, and nitrate can form nitrosamine, a suspected human carcinogen; EPA also notes birth-defect potential. Nitrate is highly soluble in water and can often percolate freely through soil and into groundwater. Ammonia is often absorbed to soils and incorporated into soil complexes. Coliform and fecal coliform indicate bacterial contamination from waste from warm-blooded animals. Pathogens such as E. coli, hepatitis, and salmonella can cause very severe effects for all, but pose the greatest risk to infants, children, the elderly, and the ill. Salinity (measured as TDS or sodium, and exceeded in about 12% of the 51 wells sampled) poses a health risk to those on restricted-sodium diets, and is also detrimental to agriculture; it also violates drinking water thresholds associated with tastes and odors.

Tulare County is facing a water crisis. The County's burgeoning dairy industry has adverse impacts on the County's water quality and also uses tremendous amounts of water (at about 100 gallons per head per day times a projected dairy total of over a million head, that's a lot of water). What would be the effects on water quality of a major flood event in our ever-growing dairy area?

The GPR must include specific policies and concrete, measurable implementation measures to address these substantial impacts. The fact that the County inspects only about 1/5 of the dairies annually (and thus inspects a typical dairy only once every 5 years) bodes ill for timely monitoring and enforcement of policies and implementation measures, especially since the dairies have had a history of increasing their number of animals beyond their permitted limits. The GPU should address this weakness by increasing the frequency of inspections.

Additionally, the GPU should include one or more policies with implementation measures and funding sources identified to carry out the Data Needs Assessment and Recommendations in the DSPEIR on pp. F-12 and F-

13. These could be included in the Agriculture Element or in the Water Resources Element under WR-1.2 Groundwater Monitoring (GPR p. 11-3) (Implementation Measure #4 or #5 on GPR p. 11-7 might be a good spot). These recommendations include (1) comparing data from the U.S. Geological Survey National Water Information System database (~ 763 wells) and the California Department of Health Services database (~ 1479 public water supply wells) to provide a relationship between nitrate concentrations and well depth and help to define relationships between nitrate concentrations and the geochemical environment and sources, with time trends defined and nitrate inputs to groundwater defined over time, etc.; (2) looking at two GIS groundwater layers for depth-to-surface groundwater level and permeability or soil type to characterize permeability to groundwater, indicating which areas constitute risk if near a dairy and groundwater nitrate concentrations were elevated; (3) identifying areas more susceptible to groundwater contamination and incorporating them into ArcView /GIS/ArcInfo GRID to categorize susceptibility to contamination and identify potential hotspots; (4) allow for a cumulative risk assessment for nitrates and other pollutants; (5) evaluation of regional, county, state, and RWQCB regulations and EPA guidance on dairy discharge to groundwater to determine the best way to mitigate dairy discharges; (6) collection of demographic data relating to drinking behaviors of Tulare County residents to quantify exposures to nitrates or other chemical pollutants.

It has been almost nine years since the County entered into the settlement agreement requiring the County to prepare, circulate for public review, and certify the completion of a SPEIR to the PEIR for the ACFP-Phase I. The County agreed to carry out these actions within nine months (or sooner) from the effective date of the agreement, which was executed in June, 2001 (with the proviso that the time limit could be extended “as is reasonably necessary”). How is nine years reasonable, given a commitment of nine months? In these nine years, how many more thousands of dairy cows have been added to the Tulare County dairy herds, with each cow producing daily 30 times the bodily waste that a human does?

When the Water Board’s own test data show that 63% of sampled valley dairies have at least one nitrate-polluted well, when 40% of sampled household wells in Tulare County contained unsafe amounts of nitrate, when more than 20% of the County’s State-regulated public water systems failed the nitrate test, when students can’t drink the water at their schools and residents have to buy bottled water for drinking (article in *Sacramento Bee*, 02/16/08, “suit pins bad water in Tulare on dairies”), **Tulare County must address this growing problem with determination and dispatch. This General Plan Update process is the time and the place to do so.**

The RDEIR must thoroughly describe these impacts, direct and indirect, current and cumulative, and provide adequate mitigation measures for them. It is “vitaly important that an EIR avoid minimizing the cumulative impact. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them” (*Kings County Farm Bureau v. City of Hanford*, 1990).

Please revise the GPU documents to adequately inform the public and decision-makers about ACFs and their increasing impacts, and to provide strong, clear, enforceable policies and implementation measures that will demonstrably mitigate these impacts and protect the County's air, water, and soil, and the health and safety of its citizens. (Please also explain why proposed policies [2008 version of the DEIR] AQ-4.6, 4.7, 4.8, and 4.9 have vanished in the 2010 version.) (AQ-4.6 has been added to the Air Quality Chapter in the GPR, but it has to do with Asbestos.)

5. ECONOMIC DEVELOPMENT

To a large degree, Tulare County's economic development is tied to the County's demographics. GPR page 5-2 (fifth paragraph) notes that a "quality work force is one key requirement for selecting a site" and that "efforts to create a highly skilled workforce must be made to attract industry into the area to ensure a diversified and vibrant economy." However, the Background Report does not provide a sufficiently detailed description of the County's demographics to give the reader an adequate understanding of what this might entail.

INADEQUACY OF BACKGROUND REPORT, SECTION 2.5 "DEMOGRAPHIC CHARACTERISTICS" (BR pp. 2-29 ff):

Tulare County's economic development is intertwined with its demographics: its residents are its labor force and its consumers. Thank you for expanding the demographic information in **the Background Report to cover more characteristics than simply age, gender, and ethnicity. It should also describe characteristics such as education, skills, income, employment, and health**, which are all indicators of the current and potential economic success of the County. The 2010 BR now includes Table 2-25 "Educational Attainment . . . 1990-2006" (p. 2-39) and Table 2-26 "Income Distribution . . . 1999" (p. 2-39). Many of Tulare County's communities are characterized by high rates of poverty (including the highest rate of child poverty in the State), high rates of unemployment (often the highest in the State), low educational attainment (highest percentage of adults over age 25 without a high school diploma, only 12.4% with a bachelor's degree or higher, 20% with less than a ninth grade education), female-headed households (with by far the highest rate of teen pregnancy in the State), very high percentages of immigrants and of non-English speaking individuals, substandard and dilapidated housing, inadequate infrastructure, and poor access to health care. **The Background Report should analyze the relationship between the County's demographics and its economy, and the GPU should provide specific policies and concrete implementation measures to address these issues.**

What are the other key requirements (GPR, p. 5-2) for attracting firms looking for locations or seeking to expand , according to site location professionals? Are these criteria also being addressed in the GPU?

Additionally, most of the Tables in the Market Conditions and Demographics section of the Background Report report on business and employment information ending with year 2000 data. Why aren't more current data presented?

The Policies listed for achieving the Economic Development Goals are still far too vague and weak ("provide leadership," "may allocate staff resources," "shall work with," "shall encourage," "shall support" [and occasionally "shall *actively* support"]), to provide clear direction and enable evaluation. **How will the County "encourage" and "support?"** Almost none of the Policies in this section have any Implementation Measures. Almost all of the ten IMs (GPR pp. 5-11 – 5-12) are equally vague, and all but three are "ongoing." **These Policies and Implementation Measures give the reader no clear idea of what the County is actually doing or intending to do to develop and diversify its economy and how and when it will implement measures to actually achieve its Goals. Please clarify and strengthen them to make them meaningful.**

ED-1.1 "Economic Leadership" (p. 5-2): This Policy is too vague to be meaningful. **How will the County "provide leadership?"** Has it been providing this leadership for some time? What have the results been? Attracting "clean" industries should certainly be a priority. **How does the County define "clean?"** Presumably Freight Villages do not qualify in this category. There is no IM for this Policy. On the Tulare County Economic Development Corporation website (www.sequoiavalley.com), Tulare County Business Incentive Zone information states "Whether your company is large or small, *lucrative Zone advantages* are available to new and existing businesses who are in Classification Codes (SIC): Food Processing, Manufacturing, Motor Freight Transportation and Warehousing, Transportation by Air, Transportation Service and Wholesale Trade." Which of these are the clean industries?

ED-1.2 "Staff Resources" (p. 5-2): "May" is not a Policy statement.

ED-1.3 "Economic Strategy" (p. 5-2): "Extend" should be "extent." Does the County currently have an Economic Development Strategy? Where is it? **IM#1 (p. 5-11)** says the County shall work with the EDC to update and adopt a strategy that supports the economic goals and policies of the General Plan. This seems to be more or less a re-wording of the vague Policy itself, with a timeline of 2015-2020. So what is the County doing in the meantime to reach its Economic Development Goals?

ED-1.4 "Local and Regional Coordination" (p. 5-3) says the County shall work with other agencies to develop a resource allocation program, including a Countywide capital improvement plan (apparently recommended in 2005).

IM#2 (p. 5-11) says the County shall coordinate a committee to develop a resource allocation program, with a timeline of 2010-2015. The IM simply restates the Policy and moves the action timeline farther down the road. Neither the Policy nor the IM can be relied on to accomplish anything.

The Policies and IMs (where there are any) continue in this vein.

ED-2.3 “New Industries” (p. 5-4): New industries, along with all other development, should be located within existing cities, UDBs, and HDBs. We need compact, resource-efficient, transit-served development and jobs co-located with population, infrastructure, and services in order to meet the key goals of improving air quality, conserving agricultural land and open space, reducing VMTs and GHGs, and complying with AB32, SB375 and the County’s Climate Action Plan. (See also ED-2.8 “Jobs/Housing Ratio” and ED-2.9 “Regional Processing,” p. 5-4), which promote a jobs-to-housing ratio of greater than one and “encourage” processing facilities to locate in industrial parks within existing unincorporated communities or under city jurisdiction.).

Please modify this Policy to say that “*New industries shall be located within cities, unincorporated communities, and hamlets where appropriately zoned and where adequate infrastructure capacity is available or can be made available as a condition of approval of the development.*” What is meant by “opportunities offered by variations in local environmental conditions?” In determining location, jobs/housing ratio, transportation, VMTs, GHGs, and cost to the taxpayers must be considered (do the costs of some industries outweigh their benefits?).

IM#4 (p. 5-11) says the “County shall develop criteria for the *location of value-added agricultural processing facilities.*” What about other industries? It says the criteria “shall take into account the service requirements of facilities . . . and the capability and capacity of the cities to provide the services required.”

What about the new industries to be located in the unincorporated areas? Are the cities expected to provide services to them?

ED-2.10 “Supporting Agricultural Industry” (p. 5-4): What are other “critical requirements of food processing industries, such as wastewater treatment” that “may require innovative solutions?” What is meant by innovative, and why is this necessary? How will the County “support” and “encourage” technology development programs “for use by industries to support expansion?” Tulare County’s water supply is in crisis, per the Board of Supervisors. Effective wastewater treatment is essential to maintaining water quality and water supply. **IM#4 and #5 (p. 5-11)** say nothing about innovative solutions to wastewater treatment or other critical requirements, mentioning only that “service requirements” will be taken into account (and “capability and capacity of the cities to provide”) and that the County will work with others to create agricultural enterprise zones with incentives. **Where does the RDEIR specifically discuss the environmental impacts of the Economic Development Chapter?**

ED-2.11 “Industrial Parks” (p. 5-4): Is the “projected demand” on the part of the County, the community, or the industrial developer? Is industrial development considered appropriate for all the communities? Three Rivers, for example, is constrained in many ways from siting any significant industrial development at all.

ED-2.12 “Intermodal Freight Connections” (p. 5-4): Encouraging the development of freight handling facilities encourages the concentration of idling toxic diesel exhaust emitting vehicles, highly detrimental to air quality and

the health of residents. PM 2.5 particulate matter associated with diesel engine exhaust is a substantial health concern. **Tulare County's air quality is already often the worst in the nation.** Diesel soot already causes about 3,000 premature deaths a year in California, about 3600 hospital emission, and about 240,000 asthma attacks and respiratory symptoms. Diesel exhaust particulate matter is identified by California as a toxic air contaminant based on its potential to cause cancer, premature death and other health problems. Diesel engines also contribute to PM2.5 air quality problems, to which children (34% of Tulare County's population) and the elderly (13%, as of year 2000, per the Background Report) are most vulnerable (not to mention those with pulmonary and cardiovascular problems). Our bad air already costs us dearly in human misery, truncated lives, lost productivity, missed school days, emergency room visits, and long-term health care expense. This is not to mention the impact on GHG emissions. **The County should very carefully assess the short- and long-term cost/benefit ratio of supporting "the creation and enhancement of intermodal connections" for freight handling.**

Please add related policies and implementation measures to require that, as a minimum, any such facilities must strictly limit idling of diesel vehicles to five minutes maximum, prominently post signage to restrict diesel idling and to educate drivers re diesel health impacts, and install on-site electrical connections and require drivers using the facilities to use these connections to power their heating and air conditioning and refrigeration units instead of operating diesel engines and diesel refrigeration units. Please condition approval of any such development upon strict implementation and enforcement of these requirements as a minimum. Substantial buffer zones must be provided without exception around such facilities to screen them from sensitive receptors (as well as visually), and the buffers must be thickly planted (and well-maintained) with carbon-absorbing large-canopy trees and other vegetation. There is currently no IM for this Policy.

The County must ensure that the potentially favorable impacts of industrial and other economic development are fully weighed against their adverse impacts to the environment and the health, safety, and welfare of County residents – and the related costs . The impacts on global climate change must also be factored in. This comment applies to all of the Economic Development Goals, Policies, and Implementation Measures.

ED-3.3 "Non Agricultural Industries" (p. 3-5): Please ensure that the County does NOT "encourage the development and expansion of food crop ethanol production," because the process of growing food crops and then producing ethanol from them takes more fossil-fuel energy input than is gained in energy output; furthermore, using food crops for ethanol drives up food prices.

Please encourage only "non-food stock based" ethanol production.

ED-3.7 "Attractive Economy" (p. 5-5): Enhancing cultural and recreational amenities is a fine Policy not only for attracting business entrepreneurs and employees, but also to improve quality of life for current residents. But how will the County "support" such efforts? And what are the efforts? There is no IM for this Policy. The Background

Report states that the County is not considering any more parks because it can't afford to maintain the few that it has. Will entrepreneurs and employees be readily attracted to a County with often the worst air quality in the nation?

ED-3.10 "Specialty Business Program" (p. 5-6): This is the only Policy in ED-3 with an IM. What are "specialty" businesses and "ethnically diverse enterprises?" IM#6 (p. 5-11) says the County will continue to provide seed funding and training through the Micro Enterprise Program, the Small Business Development Program, and similar programs.

ED-4.2 "Workforce Education" (p. 5-6): This Policy encourages school districts to "focus on the requirements of those industries targeted for future growth." **Who targets the industries for future growth, and on what basis?** In a rapidly changing economy, it's important for students to learn how to learn and to adapt to changing skill requirements and technologies.

ED-5.1 "Development of a Recreation Industry" (p. 5-7): **The County must recognize that protecting and conserving the County's rural character, natural resources, scenic landscapes, wildlife habitat, and community identity and character are essential to capitalizing on the economic potential of recreation as a major industry. Additionally, cleaner air is critical, both for outdoor recreation and scenic views. Getting official designation of State and County scenic highways and byways should be a key focus. Providing adequate public transit, parks, and walking and biking trails is also very important to this Policy.** Its only IMs are #8 and #9, (p. 5-12), developing marketing programs and evaluating allocating TOT revenues to tourism program. Tourism should be encouraged as a sustainable, less environmentally adverse area of economic development, that would cost the County little to support, since it relies on advantages that we already have. However, those advantages will soon be lost (except for the Federal lands) if the County does not require compact, resource-efficient, carefully-located, form-based development.

ED-5.5 "Rivers" (p.3-5): The County's critically endangered riparian areas are almost our rarest resources, and yet are vital to the quality of life in our County. They can be wonderful tourist attractions, and are even more important to valley citizens, who have few other natural areas close by for refreshment and recreation; our rivers are also absolutely critical wildlife and plant habitat.

This policy should strictly limit recreational activities to only those that are compatible with the protection and preservation of our rare and endangered rivers. Please provide a concrete, measurable implementation measure for this policy. (For example: NO motorized vehicles allowed, and no vehicles at all in the riverbed or near enough to the banks to promote or create erosion or disruption of vegetation.) Walking and biking trails, wildlife watching areas, picnic spots, interpretive signage, and River Rover docents could provide for fine

recreational and educational experiences. Unfortunately, few of our rivers flow much below the dams during much of the year.

ED-5.6 “Lakes” (p. 3-5): With a grand total of two readily accessible lakes of any size in the entire County, the County should, as in the case of its three rivers, make a major and continuing effort to ensure the protection of the recreational quality of these resources, and should pledge its efforts to do so in this policy which urges their exploitation. How does the County mean to promote these lakes (there is no implementation measure)? It should also be noted that these lakes hugely expand and contract each year, as their water goes out for irrigation, so golf courses and conference/hotel facilities cannot readily be located adjacent to them. Lake Kaweah is bordered by steep slopes not suitable for any type of large development.

ED-5.9 “Bikeways” (p. 5-7): Please clarify this welcome Policy and provide it with a concrete, measurable implementation measure. Section 13.5 (“Other Transportation Modes,” p. 13-11) includes a number of related policies, also very welcome, also very vague (“coordinate,” “consider incorporating,” “evaluate feasibility,” “identify routes,” “support”) and generally equally vague Implementation Measures (pp. 13-15 – 13-16).

Please make these policies clear and enforceable and provide concrete, measurable IMs for them. Where are the County’s current recreational bikeways? How many miles are completed for safe cycling travel? How are they marked? How will they be enhanced and promoted?

ED-6 (p. 5-8): Note that this Goal now repeats the text of Goal ED-5 on p. 5-7. In the 2008 version, ED-6 said, “Address regional and local commercial needs by continuing to support downtowns, town centers, and neighborhood services.”

ED-6.1, ED-6.2, and ED-6.3 “Address regional and local commercial needs by” (p. 5-8): Providing access to community centers and regional entertainment venues by means of public transit (and walkways and bikeways where distance allows) is an especially important component of any plans for revitalization and redevelopment and for attractions designed to draw large crowds, particularly given Tulare County’s air quality problems, public health problems, and necessity of complying with AB32, SB75, the Blueprint, and the County’s Climate Action Plan. All these policies should emphasize alternate transit.

Please make these and the other policies in this important section clear and enforceable, and provide concrete, measureable IMs for them and for the related policies under TC 13.4 (“Public Transportation,” p. 13-10) and TC 13.5 (“Other Transportation Modes,” pp.13-11).

ED 6.6 “Core Area Beautification” (p. 5-8): Please revise to make a primary component of this policy be the planting and maintenance of abundant large-canopy trees (preferably natives and drought-tolerant) in these core areas to provide shade and beauty, to cool and clean the air, to provide habitat, and to attract pedestrian

traffic and customers; extensive tree planting should be included in the Implementation Measure (#10, p. 5-12). This might also aid the County in attaining compliance with AB32 and its Climate Action Plan. This Policy is listed as "New," yet its Implementation Measure is shown as "Ongoing." **Please revise the IM** to indicate the source of funding for the beautification efforts. Landscaped groundwater recharge areas with recreation areas, trails, and community gardens could be good projects for the health and beautification of communities, and these could also attract tourists, while aiding water quality and supply.

None of the other Policies in this section have any IMs at all.

4. LAND USE

At the top of the first page (p. 4-1), "implementation programs" (2008 version) has been changed to "Work Plan/Implementation Measures." It appears that programs are being retrograded to plans, and thus actual implementation is becoming a more remote possibility. Please explain the intent of this change.

Under "Key Terms," the "LEED-ND" item (p. 4-2) should be updated to show that the LEED-ND rating system has been launched (April, 2010).

Under "Key Terms," the "Sprawl" item (p. 4-3) should discuss whether the growth rate of urbanized land in Tulare County has been significantly exceeding the rate of population growth and whether it will do so during the 2030 project buildout.

Under "Key Terms," item "Land Use Diagram and Standards" (p. 4-3) and "Residential Development" (p. 4-4), it would be very helpful if the related Figures and text would show the current distribution and acreage and units of the residential uses and densities and how this would change by the implementation of the full 2030 project buildout. To see the nature and impact of the project in a comparative Table and Figure(s) would give the reader a much clearer idea of the Plan. Please include such a Table and Figure(s) in the GPU documents. Please provide sufficient detail in it (as indicated in comments directly below on the current Figure 5.1) to enable the reader to understand where these Land Use Designations occur. It would be helpful to see where these designations are currently located (as a baseline) and where they would be located at build-out of the proposed project (GP), so please provide two maps (baseline and build-out) if possible. Please include the two Land Use Diagram maps (baseline and build-out) in detail for each of the County's Planning Areas, as depicted in Figure 4.1 (p. 4-5). It would be helpful to place them with the discussion of their Planning Areas (e.g., place the maps for Foothill Planning Area – the FGMP in Part II, Chapter 3, Foothill Growth Management Plan, perhaps immediately following the current Figure 3.1 on p. 3-16; the maps for the Foothill Development Corridors are helpful, but there is no information regarding their size and current uses, etc., and no baseline/buildout comparisons).

Table 4.1-Land Use Designations, Rural Residential (p. 4-7): In the 2008 version, this land use was 1 unit/5-10 Acres. Why has it been changed to 1 Unit/1 or 10 Acres? Won't allowing 1 unit per acre more severely

fragment natural lands, and further increase erosion, stormwater runoff and pollution, loss of habitat, degradation of scenic landscapes, light and glare impacts, GHG emissions, VMTs, air pollution, cost of services, and other adverse impacts? How much Rural Residential land use does the County already have? How much more can it afford?

Table 4.1-Land Use Designations, Mountain Residential (p. 4-7): This land use was 1-4 du/Acre in 2008, but has been changed to 1 Unit/1 Additional Unit for every 40 Acres. **Why has this drastic change been made?**

Table 4.1-Land Use, Residential Density (Low to High), p. 4-7): Why have these been changed from the 2008 version? **Of most concern is that the County now defines High Density Residential as beginning at only 14 du/Acre.** Also, why is there so much overlap between the categories (e.g., Low Density is 1-4, Low-Medium is 1-8)? Why doesn't Low-Medium Density start with a minimum of 5? Furthermore, **these densities don't correspond well at all with the CO2 Equivalent Point Reduction requirements in the County's Climate Action Plan (CAP).** On p. 245 of Appendix C of the CAP, a minimum of 7 (7-10) du/acre is required for a 1 point reduction. This doesn't correspond to any bracket on the Land Use Designations densities in Table 4.1. To get 3 points, per the CAP, 11-20 du/acre would be required, which would match most closely to Medium-High Density on Table 4.1. To get 5 points, 21-30 du/acre would be required, which constitutes High Density Residential on Table 4.1, the highest density designated for Tulare County land use. But the CAP chart goes on to list 31-40 du/acre for 6 points, 41-50 du/acre for 8 points, and 50+ du/acre for 10 points. **Given the importance of increasing the efficiency of developed land use in Tulare County in order to achieve the Goals of the GPU, the County should revise the density designations in Table 4.1 to reflect higher thresholds (except for Low Density) and no significant overlap for the different density categories.**

Table 4.1 Land Use Designations, Mixed Use (p. 4-8): The 2008 version showed that Hamlet Mixed Use would be 1 – 30 du/acre. **Is this to be understood to be the same in the 2010 version?**

Valley Agriculture (VA) (p. 4-15): This definition has deleted the 2008 sentence "The RVLP applies to all lands designated Valley Agriculture." It has added the sentences: "The following standards apply to all parcels designated as valley agriculture except those parcels deemed non-viable in accordance with the procedures set forth in Part II-Chapter 1 (RVLP). Maximum density, intensity, and parcel size for non-viable parcels is determined in accordance with the procedures set forth in Part II-Chapter 1 (RVLP)." **How many acres is this likely to affect? How does this further the Goal to protect agricultural and open space lands?**

Rural Residential (RR) (p. 4-17): Why has the Maximum Density for this use been changed from 1 du/5 acres in the 2008 version to 1 du/1 acre in the 2010 version? **What will the environmental impacts of such a change be? Where is this discussed in the RDEIR?** This designation seems to define ranchettes, an extremely inefficient use of land that should be strictly minimized. The last sentence of this definition implies that the RR is primarily

located at the edges of UDBs. **Please clarify:** Is this inside the edges or outside of the UDBs? All new development should be directed to occur within existing UDBs and HDBs

Mountain Residential (MR) (p. 4-17): The last sentence of this definition in 2008 read, "This designation is generally found outside UDBs in the upper foothill and mountain regions." This has been changed in 2010: "This designation is generally found in Mountain Sub-Area Plans." **Since the first sentence still includes "foothill" and "steep slopes and limited services" are often the case in the foothill area, "foothill" should be restored to the last sentence of the 2010 definition.** The Maximum Density has also been changed. It was "4 DU/Acre" in the 2008 version. It is "1 Dwelling Unit/20,000 square feet plus 1 additional Unit for each 40 Acres." **Please explain why this change has been made and what its environmental impact is likely to be.**

Low-Medium Density Residential (LMDR) (p. 4-17): The bottom of this designation's Maximum Density range was 3.5 du/acre in 2008. It has been changed to 1 du/acre, which makes no sense, as that is the base for the Low Density designation. **To make this designation meaningful, please return the base du/acre to 3.5.**

Medium Density Residential (MDR) (p. 4-17): The bottom of this designation's Maximum Density range was 6.1 du/acre in 2008. It has been changed to 4 du/acre in the 2010 version, which seems too low to qualify for Medium Density. **Why was this change made, when the County should be promoting greater land use efficiency to meet many of the Goals of the GPU? Please return this base figure to at least 6 du/acre.**

High Density Residential (HDR) (p. 4-18): Why has the base figure for this designation been lowered from 16.1 in the 2008 version to 14 in the current version? How does this promote greater land use efficiency? **Please return this base figure to at least 16 du/acre. As discussed above, this designation for HDR falls far short of the densities described in the County's Climate Action Plan (p. 246/C-11) that would qualify for significant CO2 Equivalent Point Reductions. The County should include at least one higher category of densities (e.g., 31-40) and incentivize such development in order to address its GHG emissions and other important Goals.**

The Commercial designations (NC, GC, CC, HC, TC, SC, OC, pp. 4-18 – 4-19), with the exception of Commercial Recreation (p. 4-19) should all be located within UDBs only. To comply with AB32, SB375, the Climate Action Plan, and many of the Goals of the GPU (e.g., preservation of agricultural and open space lands and scenic landscapes, establishment of buffers and separators, maintenance of community identity, investment and reinvestment in existing communities, maintaining urban edges, benefiting resident" quality of life, improved air quality, facilitation of active and alternative transit, etc.), **the County must focus growth and development within existing urbanized areas, especially since they can easily accommodate all of the projected growth without even increasing densities.**

Please change the last sentence of this Key Term definition to: “This designation is located within UDBs and HDBs.”

Mixed Use (MU) (p. 4-20): It is good to see the new sentence in this definition: “Density bonuses for residential units of 25% to 35% may be granted, according to the Density Bonus Ordinance or State law, to Mixed Use areas to encourage the development of affordable housing units, transit, reduction of air impacts, and implementation of measures that contribute to the reduction of global warming”. The regional growth corridor policies, of course, work completely against the benefits that could be afforded by effective MU development within existing boundaries.

To ensure a high quality, well balanced, efficient development that will protect and enhance the character of the area, **please modify the last two sentences in this Key Term definition as follows: “Specific plans *shall* be required to assist in the consideration This designation is found within UDBs and HDBs.”** Please see “Commercial” comments above for rationale on eliminating regional growth corridor plans.

How was the Maximum Intensity of .5 FAR determined, and what would be the effect of increasing it, in terms of achieving the goals in this definition?

Foothill Mixed Use (FMU) (p. 4-20): Same comments as for MU directly above.

Planned Community Area (PCA) (p. 4-20): There are thousands of acres without community plans in the unincorporated County now designated for urbanization (communities without plans, hamlets, mountain service centers). **In order to achieve the GPU’s Goals, and the requirements of the RDEIR and the Climate Action Plan, AB32, and SB375, PCAs should be located within these boundaries only, and ALL development in the County should ensure provision of open space, infrastructure, and public services needed to support growth. The definition of a PCA is not complete without a definition of “exceptional quality of life”; please include it.** Certainly that cannot be achieved unless we can significantly improve our air quality and effectively address our water crisis, our lack of affordable housing, the impacts of global climate change, and the need to diversify our economy, along with the other important Goals of the GPU. **Please explain here the difference between a PCA and a Planned Community Zone. Why should master planning for a planned community occur only where a community plan does not exist?**

Light Industrial (LI) (p. 4-21): For the reasons cited above, **please change the last sentence of this definition to eliminate the regional growth corridors: “This designation is found within UDBs and HDBs.”**

Heavy Industrial (HI) (p. 4-21): Same as above comments. **HI designation should include requirement of buffers, with lots of trees (especially native trees to help mitigate noise, odor, and visual impacts.**

Public/Quasi-Public (P/QP) (p. 5-12): Churches, schools, civic centers, hospitals, fire stations, sheriff stations, and other P/QP services/facilities that are used daily by large numbers of people should be constructed where the large numbers of people already are, NOT out in a regional growth corridor.

PLEASE walk the talk: direct growth to existing communities, discourage sprawl, encourage infill, preserve open space, per LU-1.1.

INADEQUACY AND INCONSISTENCY OF TEXT AND TABLES IN RELATED BACKGROUND REPORT INFORMATION AND INADEQUACIES IN THE RDEIR:

The Background Report section on Land Use and Population contains text and tables related to Land Use Designations and population growth, but the information is inconsistent, incomplete, and confusing.

Please revise this section of the BR to make it clear and consistent and provide maps to make clear the baseline situation and what is proposed under the GPU build-out. In our comments over two years ago, we

asked for clarification and corrections in this area, but they have not been provided in the 2010 version

For example, **Table 3-6 “Summary of Community Plans, Tulare County 2006,” BR p. 3-33,** shows for each of the eleven community plan areas “Total Plan Area (Acres),” “Vacant Land (Acres),” and “Projected Planning Period Land Need (Acres).”

Please explain: What is the Projected Planning Period Land Need? Is it the amount of land needed by the time horizon of the GPU build-out? Is it the same year for all of the communities listed, or is it some year defined in their individual plans?

If the Projected Planning Period Land Need Acres are less than the Vacant Land Acres, does that mean that all the land needed throughout the Planning Period is already available in the vacant acres?

Why are Springville and Richgrove NA? If more land is needed than the vacant land indicated, then what?

What is meant by Existing Plan Population? In the 2008 version of the BR the figures in the Community Plan Table did not match any of those in Table 2-26 “Tulare County Population Projection, 2000-2025,” (BR p. 2-42).

Unfortunately, in the 2010 BR, **Table 2-26 no longer exists.** The closest the 2010 BR gets is **Table 2-16, Tulare County Population Growth Projections, 2007-2030 (p. 2-31).** However, this Table does NOT include any information for the individual communities (whereas Table 2-26 in 2008 included individual information for almost all the communities with community plans). **Please revise Table 2-16 (p. 2-31) to include this important population information for all of the communities; without the population information, the information in Table 3-6 (p. 3-33) cannot be meaningfully evaluated.**

What year is meant by the Projected Population (Target Year) column in Table 3-6? Is this the same year for each of the communities? **These figures have no correspondence with those on Table 2-16.**

Additionally, when one looks at the **figures for population and for acreage in the text** for each community (BR pp. 3-33 - 3-43), **these figures do not match the figures in the Tables.** The population figures never match, and sometimes the acreage figures don't match. **Please explain and normalize these figures.**

How are the population projections related to the communities' ability to provide for projected population (e.g., do they have, or do they have a reasonable certainty of being able to provide, the necessary water supplies, sewer capacity, and other infrastructure, jobs, and other services required to accommodate the projected population?

The Background Report states on p. 3-61 that the General Plan **land use designations and the development standards** of the zoning ordinance determine the **holding capacity and buildout potential** of the county. **But don't the County's essential resources, such as water supply, soil and geographical conditions, and air quality, have a great deal to do with determining the holding capacity and buildout potential also?**

Where in the GPU documents is this connection spelled out and examined? Only Appendix C of the Background Report begins to get into this fundamental relationship, when it states (p. C-22) that **water supply considerations could "completely undermine the existing population projection basis."** **The GPU documents must be revised to examine and address these basic factors when designating land uses and allocating population growth. This should include consideration of the proposed project's effect on GHG emissions and the effects of global climate change on the holding/carrying capacity/buildout potential of the County.**

In a similar vein, the RDEIR really seemed to have it backwards when it stated in the 2008 version (pp. 2-7 and 2-8) that the GPU is a policy plan that **"relies on individual policies to direct growth to preferred locations in response to market forces."** **Why isn't the GPU a plan that relies on a clear vision of its priorities for the County's future to determine policies that direct growth to preferred locations so that market forces will know where they can build houses, stores, office space, manufacturing plants, etc.? Please explain:** Why would the County abdicate its planning role to the quick-buck, short-term whims of market forces? How could that be in the best interest of a healthy, sustainable future? **In response, the 2010 version (RDEIR pp. 2-24 – 2-25) has eliminated the statements about market forces,** other than to state (p. 2-25) that "Major infrastructure investments by the public and private sectors are a necessary precursor to enable growth in the County." It states (p. 2-25) that "Guidance for directing this growth will be provided by the various policies and implementation measures outlined in the General Plan Update, in particular those found in the Planning Framework and Land Use Elements." However, as is shown repeatedly in these comments, **the GPU's Policies and Implementation Measures in most cases cannot be relied on to get the County to achieve its Goals, nor can they be relied on to provide the mitigation and implementation required by the RDEIR.** Thus it appears that market forces, although no longer acknowledged as such, will continue to be the drivers of growth and development in the County, to the detriment of creating healthy and sustainable development for its current and future residents.

Figure 4-1 “Tulare County Planning Areas” (GPR p. 5-4): Thank you for including the hamlet names on this map, along with identified roads and other indicators to enable the reader to understand where these Planning Areas are and for labeling the large Planning Areas (e.g., Kennedy Meadows Plan, Great Western Divide North Half Plan, etc.) with their names so that they can be readily identified.. Again, please also include the acreage of each of the Planning Areas.

Table 4.1 “Land Use Designations” (GPR p. 4-7 ff): In our 2008 comments, we asked: “Please explain: Why is the Resource Conservation land use designation allowed for communities and other unincorporated areas, but not for hamlets? Why is the Urban Reserve designation allowed for city UDBs and communities, but not for hamlets? Why are no Residential Designations (Low-Density Residential, Low-Medium-Density, Medium-Density, Medium-High-Density, and High-Density) allowed in hamlets, and no Commercial Land Use Designations? Why are Highway Commercial, Service Commercial, and Recreation Commercial allowed in cities, communities, and unincorporated areas, but not in hamlets? Why is Light Industrial allowed in communities and hamlets, but not in cities or unincorporated areas (while Heavy Industrial is allowed in all areas)? How do these designations (or non-designations) impact hamlets’ opportunities for development?” Table 4.1 has been extensively revised in the 2010 version and now shows no information for the cities, but does show all of these uses for the hamlets and also identifies them for particular plans (e.g., Regional Corridor, FGMP) in the “Other Incorporated” column. Thank you for making this Table more serviceable.

LU-1(GPR p. 4-22) states that the County will “encourage . . . highly efficient land use.” This low level of commitment, clarity, specificity, and determination seems highly unlikely to produce the level of resource-efficient development that the County needs to achieve comprehensively in the very near future. Since almost all of the supporting Policies are equally vague (“promote,” “discourage,” “support,” “encourage”) and their IMs equally ineffective (“shall consider,” “shall develop criteria”), or only minimally related to the Goal or Policies, they will not suffice to achieve highly efficient land use nor to meet the requirements of mitigation and implementation in the RDEIR, nor to comply with AB32, SB375, the goals of the County’s Climate Action Plan, and the people’s priorities. Throughout the Land Use Chapter, this applies.

LU-1.1 Smart Growth and Healthy Communities (p. 4-22): This policy includes a good list of principles, but it must be clarified and strengthened beyond “promote” to truly put them into practice. Please revise this policy accordingly. How will the County “promote” these principles into practice? And what about in the areas that are not UDBs and HDBs that are proposed for development?

The IMs corresponding to this Policy (#2, #3, #4 on p. 4-33) must be made concrete, direct, and enforceable so as to provide measurable certainty of achievement.

IM #2 says that the County shall prepare Land Development Regulations addressing a number of areas applicable to land development. Does the County not presently have such regulations regarding land

development? If such regulations exist, what is the purpose of this IM? How, specifically, will it ensure smart growth and healthy communities? The timeline for this IM is 2007-2010. It's 2010 now. Are these Land Development Regulations complete? Can they be viewed online? Presumably "street *scraping*" should be "street *scaping*." How do the examples listed contribute directly to highly efficient land use?

IM #3 says that the County shall "consider" appropriate incentives to encourage smart growth. "Considering" is NOT implementing. What would these "appropriate" incentives be? Are they already being utilized? The incentives should be tiered to urge developers to achieve maximum adherence to responsible growth principles and practices in their projects; development proposals that do not reflect a serious good faith effort to achieve these goals should be rejected. The timeline for this IM is 2007-2010. It's 2010 now. Are these Land Development Regulations and Zoning Ordinance revisions complete? Can they be viewed online?

IM #4 says that its implementation is ongoing, which indicates that the County has been ensuring that smart growth principles are incorporated as conditions of project approval, "as appropriate." Where are the results of this "ongoing" implementation of smart growth development that can be visited in Tulare County? How can the public track the County's progress in implementing responsible growth policies and principles? What, specifically, are these principles that are being implemented and what determines "appropriate?"

LU-1.2 "Innovative Development" (p. 4-22): Please clarify and strengthen this vague Policy and provide it with a concrete Implementation Measure. What types of "flexibility" and "innovation" will this Policy "promote?" Please see comments above on IM#3.

LU-1.3 "Prevent Incompatible Uses" (p. 4-22), IM#1 (p. 4-33): The timeline for this IM is 2007-2010. It's 2010 now. Are these Zoning Ordinance updates complete? Can they be viewed online? Didn't the County already have Ordinances designed to prevent incompatible uses?

LU-1.4 "Compact Development" (p.4-22): This policy could play a major role in helping the County to comply with AB32, SB375, the County's Climate Action Plan, and the people's priorities, but "actively support" is too vague to be meaningful, and the corresponding IM, #3 on p. 5-22, says only that the County shall "consider" incentives to encourage smart growth. Please make the Policy and its IM clear, concrete, and enforceable.

LU-1.8 “Encourage Infill Development” (p. 5-13): This important (but vague: “encourage,” “provide [unspecified] incentives”) Policy is to be implemented by IMs #3 (discussed above), #7 (p. 4-33), and #8, #9, and #10 (p. 4-34).

IM#6 calls for the County sometime between 2010 and 2015 to develop criteria to determine whether projects are infill and to develop incentive programs for infill. Does the County currently have no such criteria and no such incentive programs? The 2003 Tulare County Housing Element reported (p. V-14) that the County was at that time “working on implementing a Density Bonus allowance, as well as provisions incorporated into the PUD standards in the Zoning Ordinance. Many jurisdictions already have developed and implemented working programs to mandate and incentivize smart, resource-efficient, healthy infill development. **This Policy and its IMs must be strengthened, clarified, and prioritized.** Efficient infill development is, of course, also one of the best ways to help preserve agricultural land, as pointed out in the Background Report (p. 11-22): “The need to expand urbanized uses onto farmland can be reduced by developing and redeveloping land in the core areas of communities. For every 100 acres of urban land developed with a mix of single family homes, townhouses, and apartments (assuming an average density of 20 units per acre), 500 acres of farmland can be saved at the edges (assuming a typical density of 4 units per acre (suburban character).” Efficient infill development is a key to achieving many of the other GPU Goals as well.

IM #8 (p. 4-34) (for LU-1.8) is “ongoing” in terms of the GIS database, and totally vague on “encourage” new development to occur on identified sites. If this IM is ongoing, does it mean that the County is already encouraging infill development? If so, how, where, and with what results?

IM #9 (p. 4-34): Doesn’t the County already require access to public roads as a pre-requirement for development? **When will the program to consolidate infill sites be implemented?**

IM #10 (p. 4-34) is a good idea except that community plan updates and the creation of hamlet plans take many years, and most of them are not even scheduled. What about infill development in these areas in the meantime? Why shouldn’t these inventories be made on a fixed schedule of their own, before more inefficient growth is allowed? Haven’t many communities and hamlets already identified their infill sites, as the City of Visalia has? And, of course, simply identifying infill sites will not cause infill to happen, so this measure does not actually implement any infill.

LU-1.9 “Specific Plans” (pp. 4-23—4-25): The Ahwahnee Principles (or better) should be incorporated in all specific plans or equivalent or similar plans. Impact on GHG emissions must be considered and addressed in Specific Plan Content. The Development Standards (p. 4-24) should include the requirement to meet at least

LEED-Silver or higher or LEED-ND standards for all construction. Landscaping standards (under Design Framework, p. 4-25) must require a high percentage of native plants and mulched xerigraphic landscaping with high-water-efficiency irrigation and the incorporation of natural areas for stormwater and runoff control and infiltration. Plan approvals and developer impact fees should be tiered in terms of the plan's realization and implementation of these principles and standards. Thank you for including the Water Supply Availability Framework. Why can't the principles of the planning frameworks of the Specific Plans be applied to development with much less acreage? What percentage of developments in the unincorporated County surpass the 80 acre threshold? What about a 40 acre threshold? What about a 20 acre threshold? What is the typical acreage of a development in the unincorporated County?

LU-2.1 "Agricultural Lands" (p. 4-26): This fine-sounding Policy directing development away from ag lands to developed areas where public facilities and infrastructure are available is eviscerated by the **General Plan Update's emphasized and expanded sections on New Towns and new Growth Corridors.** Policy LU-2.1 should make itself "self-implementing" by prohibiting the development of New Towns and new Growth Corridors and restricting new development during the life of this Plan to within the existing UDBs and HDBs, which are more than adequate to accommodate it; it is certainly not self-implementing as written. Its only IM is #13 (p. 4-34), which simply says that the County [ongoing] will reinstitute Open Space and Land Conservation contracts for parcels on prime agricultural land meeting the area required under State law. Presumably, this refers to Williamson Act contracts. This certainly provides no mitigation or implementation for the RDEIR impacts, since it is a program that has been in place for decades. Will this continue to be the County's Policy and IM if the State subventions for Williamson Act lands cease? This IM also does nothing to direct urban development away from agricultural lands. What about permanent conservation easements and permanent buffers and separators to effectively implement this Policy?

LU-2.3 "Open Space Character" (p. 4-26): Thank you for changing this Policy so that it does not specifically mention the scenic open space character of rangelands only, but is now much more inclusive of the County's open space resources. **New development should be required to utilize natural landforms and vegetation not only in a manner that is least visually disruptive, but also to preserve natural drainage characteristics and capabilities, in order to minimize flooding and enable natural groundwater recharge** (which cleans the water as it is absorbed by the plants and soil). Natural vegetation and landforms should be preserved in order to maintain the character of the land and to provide habitat. Trees, especially, and slopes and outcroppings should be preserved whenever possible. **Hilltop and ridgeline development should be prohibited, as it mars the viewshed from every direction and from long distances. Please reword this Policy accordingly.**

LU-2.4 “Residential Agriculture Uses” (p. 4-26): The creation of HDBs, inside which all the land is now exempt from RVLP, certainly contradicts this Policy, as does the County’s intent to permit New Towns and Highway Corridors apparently almost anywhere, without regard to agricultural uses.

IM#12 (p. 4-34) says that the County shall amend the Zoning Ordinance to increase the time before existing homes qualify for divisions of land. The timeline is 2010. Has the Ordinance been amended? If so, when? What is the increased length of time? The potential effectiveness of this IM cannot be considered without that information.

LU-2.5 “Agricultural Support Facilities” (p. 4-26), Implementation Measure #16 and #17 (p. 4-35): This Policy allows agricultural support facilities to be turned into new businesses, including non-agricultural uses, to provide employment.

Please change this Policy and its Implementation Measures as follows: These facilities should be allowed to be converted to non-agricultural uses ONLY if they are located contiguously to non-agricultural development; non-agricultural jobs should be located where potential employees and customers live, NOT amidst agricultural areas, which will cause unnecessary traffic in these areas, and promote unnecessary VMTs and GHGs. How will the County “encourage” this reuse? How will turning the facilities to non-agricultural uses support the goal of conserving productive and natural resource lands?

IM#16 states that the County shall adopt an ordinance to facilitate reuse, but the timeline is ongoing. When is the ordinance going to be adopted? Has it been already? What about the timing and “consideration: of restrictions on re-use?”

IM#17 says the County shall “consider”(with and “ongoing” timeline) preparing an inventory. This does not constitute an implementation measure.

LU-2.6 “Industrial Development” (p. 4-27): Industrial development should be located where infrastructure, services, and a labor pool already exist, not in PCAs or regional growth corridors unless necessary for the support of agricultural operations. As noted above, #IM16 without a deadline is not a functional IM.

LU-2.7”Timing of Conversion From Urban Reserve” (p. 4-27): A criterion requiring that urban services, schools, and infrastructure CAN be made available seems useless, in that, presumably, such facilities and services always COULD become available. The issue is whether they ARE available or WILL become available, meaning that they are already proposed and funded for development. Please revise this Policy accordingly.

LU-3.1 “Residential Developments” (p. 4-27): This Policy is laudable in concept, but far too vague (how will the County “encourage?”) and has no Implementation Measure. The County should require all new residential

development to locate near existing infrastructure, which it can do by requiring all major new development of any kind to occur within existing UDBs and HDBs, and to adhere to the Ahwahnee Principles (or better). **Please change this Policy accordingly and provide it with a concrete Implementation Measure** to ensure cost-efficient and resource-efficient development that will also reduce unnecessary VMTs and GHGs and help the County to comply with AB32, SB375, and the people's priorities..

LU-3.2 "Cluster Development" (p. 4-27): On page 141 of the Matrix, it is stated that this Policy applies only to the few remaining undeveloped RR properties in the County; **this Policy should be revised to so state, or it will continue to cause confusion.** On the other hand, why should cluster development be applicable on only those parcels?

Implementation Measure #19 (p. 4-36): The **Implementation Measure** for preparation of a cluster development ordinance is listed as Ongoing, with the contents to be developed "later." Compact cluster development can be a significant means of resource-efficient development that can protect natural resource lands and open space. When will this ordinance be ready for adoption? With no deadline, **this IM is not measurable and cannot serve to implement anything. Please make it concrete and measurable.**

LU-3.3 "High-Density Residential Locations" (p. 4-27): Matrix p. 142, #2, response states that new Implementation Measures will be added for this Policy, with incentives for affordable housing, but no IMs are listed for Policy 3.3. **Please make this Policy more specific (how will the County "encourage?"), and provide it with the promised IMs.** Page 4-18 of the GPR defines High Density as 14-30 du/acre. LU-3.3 calls for a better minimum of greater than 16.1 du/acre. **This discrepancy should be reconciled.**

LU-3.5 "Rural Residential Designations" (p. 4-28): Please amend this Policy to state that **no new rural residential development areas will be designated in the RVLP area or the FGMP area** (because RR development – basically ranchettes – is extremely resource-inefficient and slices up habitat and open space and promotes excessive VMTs and GHG emissions).. Buffers can be much better provided via easements or other measures funded by developer impact fees or other sources. If permanently populated (as with RR development), buffers are no longer buffers, and will continue to create ag/urban conflict. Instead, buffers should be open space used only transiently for recreation (e.g., walking, biking, jogging, bird-watching), and should be well-vegetated with native plants to provide sound buffering, visual buffering, groundwater recharge, habitat, etc. Wherever possible, buffers should preserve natural boundaries such as riparian areas and swales that will also provide natural flood control and groundwater recharge. How many parcels are currently designated RR in the County?

LU-3.6 "Project Design" (p. 4-28): **Please include outdoor lighting in the Project Design Policy; the lighting should be shielded to prevent light trespass and preserve Dark Skies.** Please cite the location of the project design requirement details (is this set forth in in an Ordinance, or . . .?). There is no IM for this Policy.

LU-3.8 “Rural Residential Interface” (p. 4-28): Please clarify this vague Policy: by what means will the County “minimize” these potential land use conflicts? IM#18 (p. 4-35) indicates there is an ongoing “provision” for a graduated transition unless buffers or other measures are determined adequate. Where is the provision to be found? The County will “encourage” the cities to require buffering measures when urban development is proposed, but why can’t the County designate buffers and urban separators ahead of time (like now) to ensure that land-use conflicts will be minimized? Establishing such greenbelts or buffers or urban separators would provide many other benefits and help the County to meet many of its key GPU Goals, as already discussed.

LU-4.1 “Neighborhood Commercial Uses” (p. 4-28): This welcome policy could serve to reduce VMTs and GHG emissions and promote community centers and gathering places. **Please clarify how the County will “encourage” this development.**

IM#14 (p. 4-34) says the County will “explore implementation strategies.” This, of course, is not an implementation measure by any stretch of the imagination. The exploration was to occur in 2007-2010. It’s 2010. Any results?

IM#20 (p. 4-36) says the same thing: “explore implementation strategies,” with the same timeline.

LU-4.2 “Big Box Development” (p. 4-28): As part of this Policy, the County should also limit the footprint of “big box” facilities’ parking lots, such as by requiring multi-level structures instead of acres of impermeable asphalt. The multi-level structures would shade and cool the parked cars and would not contribute so much to the heat island effect as gigantic unshaded parking lots, which also have adverse visual impacts. **The parking structures AND the “big box” development should have “green” roofs or roofs covered with solar panels and photovoltaics in order to reduce their environmental impacts. It’s not just the size of “big box” businesses that makes them eyesores. Form-based codes could help.**

Please require all large parking lots which are all one level (on the ground) to include extensive planting and maintenance of large-canopy trees (preferably natives, for drought tolerance and habitat), landscaped pathways (for safety, beautification, and shade), and extensive use of permeable paving to reduce negative groundwater impacts. These configurations also attract shoppers.

LU-4.3 “Commercial Service Locations” and LU-4.4 “Travel-Oriented Tourist Commercial Uses” (p. 4-29): Same comments as for LU-4.2.

LU-4.5 “Commercial Building Design” (p. 4-29): Please change “encourage” to “require.” “Encourage” is too vague to make anything happen, and there is no IM for this Policy. Also, same comments as for LU-4.2.

LU-4.6 “Commercial Storage Facilities” (p. 4-29): Does the County already require such screening, or this Policy to be put into effect sometime in the future (it’s said to be a new policy)? To what degree will these facilities be screened from view? For example, a mini-storage facility was built in the unincorporated County along Highway 198, a potential State scenic highway, not long ago. Its “screen” is a chain link fence about 5 feet high with a very skimpy vine on parts of it, providing no effective screening at all. There is no IM for this Policy. Please provide much more specific detail.

LU-5.1” Industrial Developments” (p. 4-29): Please add **“The County shall focus on attracting clean, sustainable, energy- and water-efficient industrial development.”** It is critical that we do not attract industrial development that will worsen our air quality and our water emergency and create adverse GHG emissions impacts. Please clarify this Policy by stating how the County will “encourage” these developments and what the criteria are for “appropriate” locations.

IM#15 (p. 4-34) states only that “GIS shall be used when evaluating the impacts of proposed industrial areas when community or hamlet plans are developed or updated.” How will GIS be used? What happens during the years when communities and hamlets have no plans? What about all the other areas now proposed for development (MSCs, highway corridors, PCAs, etc.)?

LU-5.2 “Industrial Park Developments” (p. 4-29): Please add that these developments shall adhere to the Ahwahnee Principles (or better) and LEED Silver (or better) standards. **Landscaping** must be xerigraphic (using native plants as much as possible), mulched, and drip irrigated with recycled water. These developments must also provide for and encourage alternate transit (e.g., sheltered bus stops, secure bike parking), must be as **energy- and water-efficient** as possible; must utilize permeable paving wherever feasible. **Please clarify** how the County will “encourage” these developments and what is meant by “suitable topography.” These developments should be located where infrastructure and public services (e.g., police, fire) already exist, and near labor pools, and daily services such as restaurants, ATMs, day care centers, etc.

Only **IM#15** is listed for this Policy; please apply **IM#15** comment directly above.

LU-5.3 “Storage Screening” (p. 4-30): This Policy is much too vague and has no IM. What’s “adequate?” Does the County already require such screening, or this Policy to be put into effect sometime in the future (it’s said to be a new policy – from November, 2005)? To what degree will these facilities be screened from view? For example, a mini-storage facility was built in the unincorporated County along Highway 198, a potential State scenic highway, not long ago. Its “screen” is a chain link fence about 5 feet high with a very skimpy vine on parts of it, providing no effective screening at all. There is no IM for this Policy. Please provide much more specific detail.

LU-5.4 “Compatibility with Surrounding Land Use” (p. 4-30): Here is yet another text too vague to constitute a Policy and with no IM. How will the County “encourage” the infill, and what is meant by “significant harmful impacts” to adjacent land uses?

LU-5.5 “Access” (p.4-30): The County should require that all industrial development be located so that it can be readily served by public transit and should require developers to include facilities to accommodate and encourage transit (e.g., shaded, sheltered bus stops and secure, sheltered bike storage areas).

LU-5.6 “Industrial Use Buffer” (p. 4-30): Please see other comments re buffers throughout these comments and apply them here as well. All heavy industrial uses should be located a minimum of 500 feet from schools, hospitals, and residential areas, and the buffers should be designed for multiple use and benefits: stormwater management, habitat, wildlife corridors, groundwater recharge, recreation, screening, planting and maintenance of native plants, -- including many trees, etc. **The first sentence of this Policy needs to be rewritten.** It says “prohibit new uses to a minimum of 500 feet.” It should “require” new uses to be located a minimum of 500 feet from” Please also require Industrial Uses to minimize light trespass, to meet Dark Skies lighting standards, and to include net zero energy solar systems and/or “green” roofs to help to minimize their adverse impacts. **Please include an IM for this Policy specifying how the buffer area shall be landscaped and maintained.**

LU-5.7 “Industrial Uses Allowed on Resource Land” (p. 4-30): Industrial uses on Resource Land should be required by their SUP to buffer their operations in order to minimize their impacts on Dark Skies, scenic landscapes, noise, GHG emissions, storm drainage, water supply and quality of life. All such industrial uses must be required by their SUP to timely restore (with a fixed deadline) the resource land on which they are operating to a condition that will enable future beneficial use and to provide bonds or pay fees or deposit money to a trust account controlled by the County to ensure that the resource land will be restored for future beneficial use at the end of the industrial use’s operation. Such restoration should include the removal of all waste, including any toxic waste, and restoring natural landforms, drainage, and vegetation. **Please include these criteria as a minimum and provide an IM for this Policy to clarify and strengthen it.**

LU-6.1 “Public Activity Centers” (p. 4-30): These centrally-located public activity centers are an excellent concept, but this Policy is too vague to be relied on to accomplish anything, and it has no IM. Please state how the County will “encourage” their development and provide a concrete, measurable **Implementation Measure.** **Please require these centers to be built in accordance with the Ahwahnee Principles (or better) and to LEED-Silver (or better) standards to serve as models and inspiration for future development in their communities, and make them less expensive to operate and maintain.**

Please require that these key activities be clustered in a central location and be readily accessible via alternate transit and active transit in order to reduce VMTs and GHGs and help to comply with AB32, SB375, and the County's Climate Action Plan.

LU-6.2 "Buffers" (p. 4-30): Please add that, for efficient land use, and to encourage alternate and active transit, buffers, whenever possible, should be designed to serve multiple beneficial purposes: they should provide open space that can be used for recreation (e.g., walking, biking, jogging), and as transit alternatives; they should be well-vegetated with native plants to provide sound buffering, visual buffering, groundwater recharge, air cleaning, habitat, etc.; wherever possible, buffers should preserve natural boundaries such as riparian areas and swales that will also provide natural flood control and groundwater recharge. Buffers should be corridors of natural beauty and abundance, giving wildlife and native plants a chance in a paved-over world, and providing relief and regeneration to people, too. Any paving in buffer areas should be permeable whenever feasible. How will the County ensure this separation and buffering? There is no IM for this Policy.

LU-6.3 "Schools in Neighborhoods" (p. 4-31): For the health of our air and the health of our children, please make every effort to get districts to locate schools where Safe Routes to Schools can be ensured and where schools will not be impacted by pesticide drift or other adverse agricultural or industrial activities. How will the County "encourage" the districts?

LU-7 "Community Design" Goal (p. 4-31): This is a fine quality of life Goal that could also be very beneficial to local economies. Unfortunately, as is typical throughout the GPU, the following Policies and IMs cannot be relied on to achieve the Goal, as they are so vague ("encourage," "assisting," "promote") and too often have no IM at all, or an IM that is equally vague and unmeasurable.

LU-7.1 "Distinctive Neighborhoods" (p. 4-31): Please clarify this wonderful policy by stating how the County will "encourage" such development, and provide it with a concrete Implementation Measure. Please implement strong, clear, tiered incentive and impact fee schedules to help make this happen. It is also very important that the neighborhoods use natural resources efficiently (land, water, and energy), and include complete streets that provide for alternate and active transit. Ahwahnee and LEED-ND principles and standards should be applied to all new neighborhood development to promote compliance with AB32, SB375, and the County's Climate Action Plan.

LU-7.2 "Integrate Natural Features" (p. 4-31): If a community's natural features (e.g., wetlands, drainage patterns, riparian habitat, oak woodlands, etc.) have been destroyed or obliterated by previous development (e.g., cleared and laser-leveled for agricultural use), an open space reserve should be established within the community in which natural features can be restored, providing beauty, habitat, recreation, character and identity, and better

health. This Policy needs clarification (what does “emphasize” mean?) and an IM to concretely and measurably make it happen.

LU-7.3 “Friendly Streets” (p. 4-31): Please add to this welcome Policy a bullet: **new streets to be constructed in a traditional grid pattern, without cul de sacs, to facilitate walking, bicycling, and transit access, and to reduce VMTs**, which would not only facilitate healthier communities, but could contribute to compliance with AB32, SB375, and the County’s Climate Action Plan. **Please clarify** how the County will “encourage” compliance with this Policy, **and provide it with a concrete, enforceable Implementation Measure (as written, this Policy requires nothing)**. **Street tree planting should require native, large-canopy trees wherever possible, and always drought-tolerant trees.** What would make sidewalks on both sides of streets not “feasible?” If these are new streets, why would bike lanes and walking paths not be “feasible?” **New streets must also be required to provide for public transit, with bus parking areas and shelters included.**

LU-7.4 “Streetscape Continuity” (p. 4-31): There is no IM for this Policy. How will the County ensure its implementation?

LU-7.5 “Crime Prevention Through Design” (p. 4-31): This Policy is too vague (“encourage), and its only IM (#22, p. 4-36) says only that the County will work with others to research CPTED guidelines and develop standards as an informational tool for developers sometime in the next 5 years. CPTED guidelines and models are available online; providing information to developers does not require anything to happen.

LU-7.6 “Screening” (p. 4-31): Please add that the landscaping must be xerigraphic, native plants whenever possible, mulched, drip-irrigated, and irrigated with recycled water. It must **also include large-canopy trees** to maximize shading, cooling, and air-cleaning capability. Please apply here our other “screening” comments on this GPU (e.g., for LU-5.3, LU-4.6, etc.) as well. This Policy needs an IM to show by what means the County will require this and to provide concrete, measurable, enforceable information on what “adequately” and “minimize” mean.

LU-7.7 “Parking Location” (p. 4-32): Please add that parking areas shall be required to be **well-shaded** with either shade structures roofed with solar/photovoltaic panels or with large-canopy trees (preferably native species), or both, and that parking areas must **maximize permeable hardscape** surfaces to facilitate effective groundwater recharge and reduction of stormwater runoff; **paving of parking areas must be light-colored** to minimize heat island effects; parking areas shall include a shaded, secure area for **bicycle parking**. **Please clarify** how the County will “encourage” these parking locations and provide an effective IM for this Policy.

LU-7.8 “Building Abatement” (p. 4-32): This vague Policy does not state how it is “assisting” property owners or how it shall “focus on” abatement of structures; there is no IM.

LU-7.9 “Visual Access” (p. 4-32): By what means will the County require new development to maintain visual access to views? There is no IM for this Policy.

LU-7.10 “Gateways/Entry-points” (p. 4-32): How will the County “support” “programs and projects that enhance gateways and transitional zones,” and what might those programs and projects entail? This Policy is too vague to achieve any Goal, and it has no IM.

LU-7.11 “Adaptive Reuse” (p. 4-32): **Please provide the fine idea of this Policy with specific, enforceable language and a concrete implementation measure that will put it into practice;** how will the County “encourage” and “promote” adaptive reuse and preservation, and what is meant by new development “should respect” significant buildings and areas?

LU-7.12 “Historic Buildings and Areas” (p. 4-35): **Please make this policy specific** (“encourage” “how?”). Also “should” is not a Policy. The Implementation Measure (#23, p. 4-36) says that the County shall “cooperate” with others to “encourage” perpetuation of identified architectural characteristics in new proposed development within the same view shed. That is not the same thing at all as preserving buildings and areas with special value. This IM will do nothing to implement LU-7.12. **In the RDEIR (p. ES-8, etc.), this Policy is even further weakened;** it has been rewritten to say that “The County shall *seek to encourage*” preservation of these special places. It has added the provision that “Landscaping, original roadways, sidewalks, and other public realm features of historic buildings or neighborhoods shall be restored or repaired where ever feasible.” Who will perform the restoration or repairs?

LU-7.13 “Preservation of Historical Buildings” (p. 4-32): Same comment as for LU-7.11 above.

LU-7.14 “Contextual and Compatible Design” (p. 4-32): By what means will the County “ensure” that new development reflects the County’s heritage? What is meant by requiring new development to “respond to” its context? What is meant by “develop in an orderly fashion?” The ideas behind this Policy sound great, but it is too vague to be enforceable, and there is no IM.

LU-7.15 “Energy Conservation” (p. 4-32) and Implementation #24 (p. 4-36): **Please strengthen** this extremely important Policy and move its **implementation** to well BEFORE 2015. **Please change** “encourage” to “require.” The Ahwahnee Principles and the LEED certification program could be adopted and implemented right away; LEED-ND has also now been issued, . Many additional ideas for Energy Efficiency and Renewable Energy measures are available on the website of the Office of the California Attorney General and on the State’s OPR website and on numerous other sites presumably well known to County planners and decision-makers. These sites also list other jurisdictions which have adopted and implemented such measures. How about 15% above Title 24

requirements? With global climate change already impacting us, AB32 urging us on, and the new County Climate Action Plan to effect, please adopt and implement a highly effective Energy Conservation policy well before 2015. By the end of 2010 would be a good goal.

LU-7.16 “Water Conservation” (p. 4-32): Thank you for adding a Policy regarding Water Conservation. Unfortunately, a Policy that only “encourages” will not effectively address this absolutely critical issue, especially when its IM (#24, p. 4-36) says only that the County shall review LEED and LEED-ND requirements and develop an implementation program (by 2015). **(NOTE that p. 84 of the CAP says that within the first year after the adoption of the CAP development of a LEED/LEED ND Implementation Program should be initiated. Why will it take up to 5 years to develop it?)** What is meant in the Policy by “‘extra-ordinary’ water conservation and demand management measures?” Given that Tulare County has the greatest groundwater overdraft of all the counties in California (comprising about half of the State’s total), the County should be addressing water conservation, water reuse, water recycling, water quality, and groundwater recharge immediately and strenuously. This Policy should apply to not just new development, but to retrofitting existing development as well, and it should also apply to agricultural uses. Global climate change has been shrinking our local snowpack for the last 50 years, and runoff is coming earlier, with more precipitation coming as rain than as snow. Our water issues cannot wait five more years to be addressed.

LU-7.17 “Shared Parking Facilities” (p. 4-32): This Policy to “encourage,” where feasible, shared parking facilities is too vague to be meaningful and has no IM. How will this happen, and when?

LU-7.18 “Lighting” (RDEIR, p. ES-12): This new “required additional mitigating policy” says the “County shall continue to improve and maintain lighting in park and recreation facilities to prevent nuisance light and glare spillage on adjoining residential areas.” How can this Policy be new if it says the County “shall *continue*?” **The County should ensure that park and recreation facility lighting is energy efficient and complies with Dark Skies lighting standards as well.** Does this policy apply only to County-maintained facilities? The Background Report (p. 4-3) states that there are only 13 park and recreation facilities owned and operated by the County, and the County is not proposing any new parks due to budget restrictions for operation of the facilities. How will this affect the County’s ability to continue to improve and maintain lighting in park and recreation facilities?

LU-7.19 “Minimize Lighting Impacts” (RDEIR, p. ES-12): This new “required additional mitigating policy” says the “County shall ensure that lighting in residential areas and along County roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas.” **Please clarify this Policy by indicating how this will be ensured. Please add to this Policy that the County shall require all exterior lighting in all new development to be energy efficient, to utilize motion sensors wherever feasible in order to turn lights off automatically when not needed, and to meet Dark Skies standards.**

6. HOUSING [and BLUEPRINT]

The GPR (p. 6-1) states that a new Tulare County Housing Element ,was adopted on March 23, 2010. **Is this new Housing Element intended to be incorporated into the GPU in its final version?**

Why isn't there any information for readers of the GPR about the contents of the Housing Element; the only information provided is how to read it online or get a copy of it from RMA. (An Addendum to the Background Report provides this same information.) The Housing Element (p. 8) states that, "In accordance with State law, the Housing Element is to be consistent and compatible with adopted General Plan elements. Additionally, the Housing Element is to provide clear policy and direction for making decisions pertaining to zoning, subdivision approval, housing allocations and capital improvements. Section 65300.5 of the Government Code requires the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

Immediately, the Housing Element (HE) becomes inconsistent with the GPU GPR. It states that UDBs have been established around many of the unincorporated communities, but does not include Lemon Cove or Sultana, both of which appear on the County's list on GPR pp. 1-5 – 1-6. The HE says (p. 9) that "at some future date," UDBs are to be adopted around the communities of Lemon Cove, Sultana, and Allensworth. The HE makes no mention of Hamlet Development Boundaries, nor even of hamlets, but the GPR lists 11 hamlets (including Allensworth) and assigns HDBs to all of them.

The HE states that Land Use Plans have been prepared for a list of unincorporated communities, and specifically designate areas suitable for residential development. The list includes nine communities that have adopted community plans. It also lists: Exeter Urban Area, Lindsay Urban Area, Tulare Urban Area, Woodlake Urban Area, Southwest Visalia Land Use Plan, East Porterville Land Use Plan, Dinuba Urban Area, Farmersville Urban Area, Porterville Urban Area, Visalia Urban Area, and West Exeter, most of which may refer to what are termed as "eight existing County Adopted City General Plans, including two neighborhood plans" on pp. 1-4 – 1-5 of the GPR; the GPR includes East Porterville Neighborhood Plan and Patterson Tract Neighborhood Plan, which are not listed in the HE, although it says that planned land uses for the remaining unincorporated communities are contained in the 1966 Tulare County General Plan. The HE (p. 9) also lists Kennedy Meadows, Great Western Divide, and Kings River Plan; these are listed in the GPR (p. 1-4). But the GPR lists other existing sub-areas that have plans and others that do not (p. 1-4). The GPR also calls for adopting two additional County Adopted City General Plans with UDBs (Delano and Kingsburg, GRP p. 1-5). The GPR also lists 16 Mountain Service Centers (p. 1-6), none of which are mentioned in the HE. **The HE has no information on many of the places listed in the GPU. The information and designations in the HE and the GPU must be made to match, for consistency, and to provide a clear and full understanding of the environmental and economic impacts of the GPU project.**

TULARE COUNTY REGIONAL BLUEPRINT:

The HE includes the **Housing Goal from the Tulare County Regional Blueprint**, “a stand-alone policy document that is consistent with the San Joaquin Valley Regional Blueprint” (p. 14). “This document represents Tulare County’s local vision and goals as a participant in the San Joaquin Valley Regional Blueprint process.” The **County’s goal is to provide a variety of affordable and quality housing choices throughout the region for people of all income levels and abilities.**

The **Objectives** include (HE p. 14):

Promulgate and promote adoption of *community design guidelines that will ensure strong neighborhoods, increase efficiency by promoting green building practices, integrate housing with jobs and schools, improve mobility and health by promoting walking and biking, improve air quality by reducing trip generation, and increase infrastructure cost-effectiveness through efficient land use.*

Increase the overall average density of new development.

Ensure *safe and healthy communities* that provide a variety of housing types with increased opportunities for homeownership.

Provide *incentives* for local jurisdictions to meet their housing needs.

Provide an adequate supply of housing for our region’s workforce and adequate sites to accommodate business expansion and retention to *minimize interregional and long distance commuting.*

“San Joaquin Valley Blueprint community workshops in Tulare County ranked ‘**Healthy and Sustainable Environment**’ as a top priority, to ‘keep our environment and our residents healthy now and in the future’ with reduced traffic congestion, reduced vehicle miles traveled, alternative energy solutions and increased recreational open space and facilities, among other values. Another top priority was ‘**Natural Resource Protection**,’ to protect scarce resources such as valuable agricultural land, water and air, and to establish and maintain growth boundaries, to grow efficiently, supported by set land use policies and development standards, among other values.”

This Blueprint information should be emphasized in the GPU. The Blueprint workshops afforded more current opportunities for the public to provide input on their priorities and values for the County’s future, and the **importance of supporting regional planning objectives to address our regionally-shared problems (e.g., air quality, GHG emissions, global climate change, water quality and availability, etc.) must be made clear in the GPU.** The **Background Report never mentions the Blueprint**, other than to say that TCAG is in the process of developing the Blueprint Planning Process (p. 3-82), with no further explanation or information.

The RDEIR states that “the proposed project addresses the issue of climate change in a variety of ways that include adopting a land use plan that is consistent and supports Tulare County Regional Blueprint principles, along with implementation of a variety of policies designed to reduce both mobile . . . and stationary sources (.e., supporting energy efficiency and conservation measures that exceed State Title 24 standards) of GHG emissions” (p. 3.4-32). The RDEIR repeats this sentence, but substitutes “regional blueprint” for Tulare County Regional Blueprint (p. 3.4-39). RDEIR p. 4-32 says that “Boundary expansion is consistent with the San Joaquin Valley Regional Blueprint,” while p. 4-33 says “*The hard boundaries concept would link well with the intent of the San Joaquin Valley Regional Blueprint to protect important agricultural resource areas and natural habitats.*”

Only when we get to the Climate Action Plan (CAP), which the County says it will not adopt with the GPU, but at some later, unspecified time, do we learn about the Regional Blueprint. Page 2 of the CAP explains that the San Joaquin Valley Blueprint project developed a vision for development in the San Joaquin Valley to year 2050, and that the Tulare County Association of Governments (TCAG, consisting of the five members of the Tulare County Board of Supervisors, a representative from each city, and three appointed public members) participated in that project and then developed a Regional Blueprint Vision for Tulare County.

CAP p. 3 states the Tulare County Blueprint vision:

“To preserve and enhance the Tulare County region’s unique features – its vibrant and culturally diverse communities, its rivers, farmland, mountains, recreational opportunities, natural areas, and national parks. To promote sustainability through a well-trained and educated workforce, and a healthy and diverse economy. To ensure that the urban and rural areas of the County are thriving and residents can enjoy a well-planned, well-designed, and maintained land use structure and transportation system that offers a variety of housing choices, mixed uses, and numerous ways to get from place to place.”

Nowhere does this mention the health, safety, and welfare of the population, air quality, water supply and quality, GHG emissions or global climate change, the foothills, native flora and fauna, or the ecosystem on which the “features,” “workforce,” “economy,” and “housing choices” depend. This failure to focus on and fully acknowledge and consider these fundamental priorities is one of the great flaws of the GPU.

Note again that **the top priority in the Blueprint workshops was a healthy and sustainable environment, with residents’ health, protection of natural resources, reduced VMTs, more recreational open space, alternative energy sources, and growing efficiently with set land use policies and development standards also given high importance.** And, as noted throughout these comments, **the Policies and Implementation Measures in the GPR will not serve as adequate, effective, or enforceable implementation and mitigation measures for the environmental impacts of the proposed project.**

Page 45 of the CAP states that **the emission reductions are based on the development being consistent with the goals, policies, and implementation measures in the General Plan, and the TCAG Blueprint Vision.** Page 50

says the TCAG Blueprint's preferred land use scenario was the 25% Density Increase Scenario, which "increased residential density by 25% and shifted the housing types to medium and high densities." **This scenario, however, produced far less density than what was voted for by the public attending the Blueprint workshops (e.g., at the wrap-up Blueprint meeting in Tulare County in April, 2008, 55% of the respondents voted for the greatest density scenarios, with 25% voting for 50% density increase and 30% for 75% density increase) and the average of 6.8 du/acre in the SJV adopted growth scenario. Tulare County's current average density is only 4.3 du/acre, and the proposed 25% increase density is a mere 5.3 du/acre (pp. 57-58) .**

Page 51 says that the **Blueprint is expected to provide a significant part of the SB375 regional targets reductions for Tulare County**, and that SB375 provides incentives that will help to ensure that the County implements the Blueprint scenario.

Page 52 says "the effectiveness of the measures [shown in Table 10] depends on land use pattern and transportation infrastructure in the vicinity of the project. **The preferred Blueprint development scenario as supported by the General Plan will help to maximize the effectiveness of the measures.**"

Page 54 says that the General Plan uses a forecast of 10.5 percent employment growth by 2030 in unincorporated areas of Tulare County, which reflects **Blueprint and General Plan policies to focus development in cities and existing rural communities**. The County has already planned a substantial number of lots for development. But it "expects that **new development proposals will be received that are more likely to develop before existing lots are developed because the rural community, landowner, or developer has the resources to provide all improvements and services required for the site**. As a rough estimate, this analysis assumes that 40 percent of the development will occur on existing lots and 60 percent will occur in new development." **Only "the development occurring in new subdivisions and projects would be subject to additional measures required to mitigate significant impacts"** (p. 55).

The 25% increase in average development density that would be achieved by meeting Blueprint goals is expected to result in lower trip generation (p. 56). **The Blueprint "assumes" that the County's transportation system will be improved** over time by increasing transit use and other alternative travel modes, such as light rail service to be provided between Tulare and Visalia and improved regional bus service (p. 56). [Seriously, what are the chances of light rail service being provided within the GPU horizon? Have any plans been drawn up, any funding secured, rights of way been secured?]

The CAP states that the County is incorporating the principles of the Tulare County Regional Blueprint in the 2030 General Plan Update (p. 56). **"The County's authority over land use provides its most important contribution to efforts to reduce greenhouse gas emissions related to new development,"** and as new development is constructed consistent with the General Plan and the Blueprint, existing development will benefit from infill and better transportation options (p. 64).

The County will commit staff resources to engage in regional transportation initiatives, such as the Regional Blueprint and San Joaquin Partnership [should be California Partnership for the San Joaquin Valley] that encourage regional planning and economic development (p.73).

Farmland can be protected from premature development by focusing development in the existing urban areas at higher densities than were constructed in the past, and as identified in the TCAG Blueprint Preferred Growth Scenario (p. 79). [The miniscule increase in density will have a very limited and poor effect on conserving farmland, given the huge increase in population projected for the unincorporated County by 2030.]

As part of the annual report to the Board of Supervisors on progress in implementing the General Plan, staff will report on benchmarks achieved that implement goals, objectives, and policies having air quality, climate change, and sustainability benefits, including a TCAG Tulare County Regional Blueprint implementation status report (p. 83). The County will review land use and transportation data collected from the previous 5 years for comparison to goals for TCAG Blueprint (multiple years of data are needed to account for market fluctuations) (p. 84).

Unfortunately, the Policies and Implementation Measures of the GPR and RDEIR (and as listed in the CAP) are so vague, weak, unenforceable, and unmeasurable that these reports are likely to be equally vague, weak, and ineffective, showing very little accomplished in the way of improving air quality, water supply and quality, energy efficiency, reduction of GHGs, significantly improved active and alternate transit routes and availability, conservation and preservation of natural resources and agricultural and open space lands, a healthier population, and a more diverse and sustainable economy.

The HE states that "Tulare County's 2030 General Plan update encourages growth around cities with existing jobs, service, and amenities, in order to reduce long commutes, congestion and air pollution. County recognizes that mixed uses, infill and compact development patterns are related to housing affordability, reduced energy consumption, conservation of land resources, reduced pressure to convert agricultural resources, and protection of wildlife habitat and open space." **The GPU does give lip service to these critical principles, but, as is been pointed out throughout these comments, it does not provide the clear Policy direction and concrete, measurable Implementation Measures that are essential to reaching these goals and achieving the priorities of the County's residents (and to providing the implementation and mitigation required in the RDEIR). The GPU must be revised to be made consistent with the already-adopted Housing Element and Blueprint.**

The Housing Element and the Blueprint must be discussed in the Background Report and RDEIR and the other GPU documents, because they must be factors in the County's decision-making about where and how the County should grow, and must be considerations in constructing the RDEIR Alternatives.

The Tulare County Housing Element "contains standards and plans for the improvement of housing and *for the provision of adequate sites*" and "makes *adequate provisions for the housing needs of all economic segments of the unincorporated area* of Tulare County." It *identifies both "immediate and prospective needs for market-rate and nonmarket-rate households and sets forth a program to meet identified needs."*

Among many other things, the law requires the Housing Element to be updated at least every five years, to incorporate the regional allocation of housing needs by income group, and to identify adequate sites suitable for all

income levels (including multiple-family, mobile homes, emergency shelters, etc.), and it includes a **State-mandated density bonus of up to 35% for projects that provide affordable housing for various lower income groups.**

The Housing Element tabulates the **housing units in the unincorporated County, analyzes special housing needs, lower income households overpaying for housing (36% of those renting), number of overcrowded households (down to about 13% and number of housing units needing rehabilitation/replacement (showing shocking percentages of deteriorated and dilapidated housing in many of the County's communities: e.g., only 5% of the housing is sound in Allensworth, with 25% deteriorated and 70% dilapidated; only 15% sound in Alpaugh, only 17% sound in Delft Colony, only 14% in East Orosi, only 15% in Matheny Tract, only 13% in Plainview, etc.).**

"A comparison between the 2003 housing condition survey and the recently completed 2009 survey shows that substandard housing conditions in the unincorporated communities of the County has generally increased during the past six years. **Twenty-two communities have experienced an increased percentage of substandard housing**, seven are showing improvement by reducing the percentage of substandard housing, and one community showed no change. . . .(HE p. 78)." "A review of these comprehensive tables reveals a strong presence of sound housing conditions within the mountainous areas of the County as well as in and around incorporated cities" (p. 78). "The data illustrates the disparity between the housing stock adjacent to the incorporated cities and housing stock in the unincorporated communities of the County. . . . The rates of deterioration and dilapidation are more prevalent in the unincorporated communities compared to deterioration and dilapidation in the county island and fringe areas. Housing conditions in the residential tracts paralleled the condition of the unincorporated communities" (p. 77).

It projects numbers of housing units needed in unincorporated communities and states that an adequate amount of residentially zoned vacant land is available. It reports that the "County's goal is to encourage housing development that is consistent with existing patterns of neighborhood development and current zoning. . . . the County has chosen to highlight infill sites with potential for transit oriented and mixed use development located within existing and proposed development boundaries" (p. 160). It also shows (HE p. 31) unemployment rates in the unincorporated communities as being generally substantially higher than in the incorporated cities (HE p. 31), with, e.g., Alpaugh reporting 34.9%, Cutler 33.3%, Earlimart 38.3%, Richgrove 43.5%, Terra Bella 36.8% (compared to, e.g., 8.9% unemployment in Visalia, 17% in Lindsay, 20.5% in Dinuba), as of December 2008 (would the seasonality of farmwork be a factor in December?).

Why doesn't the Background Report include this type of information? The BR discusses water and wastewater issues for at least some of the unincorporated communities, **but never mentions their housing issues; surely, these must be a factor in the GPU's land use planning and direction of growth and development.**

The Housing Element states that a home should be suitable, affordable, and in a **satisfactory environment** (“one in which residents are **beneficially influenced by services such as adequate public facilities, access to employment opportunities, transportation, compatible adjacent land uses, and convenient access to commercial uses,**” (HE p. 3), and that Tulare County is concerned about the issue of farmworker housing and the issue of affordable housing in general (farmworkers have the lowest income and educational attainments, and the highest poverty rate of any occupation surveyed by the Census Bureau; people with a farming occupation comprise 26% of the total in the unincorporated areas of the County).

Yet **many of the unincorporated communities, primarily due to sewer and water constraints, can support no medium or high-density residential development** (e.g., Alpaugh, East Oroshi, Lemoncove, London, Plainview, , , and Woodville). **Where and how does the GPU describe and address these concerns?** Shouldn't this be a factor in determining where and how the County should direct growth? “Availability of community water and sewer facilities is the controlling factor in determining the actual density that can be approved for a particular project” (HE p. 90). “It is evident that availability of community sewer and water systems is critical to the provision of higher density zoning in the unincorporated area. . . . General Plan policies encourage most urban residential development in the unincorporated area around cities to occur upon annexation to a city, in conjunction with city sewer and water systems. Residential development in the foothills is dependent upon the holding capacity of the site with regard to water, waste disposal and other physical considerations” (HE p. 90).

Lack of community sewer and water systems, in addition to posing potential health hazards, can result in further constraints on residential development (e.g., most funding agencies will not loan funds for new housing unless the site can be provided with community sewer service, p.95.

Please describe the impact of this funding constraint on where and how the County should grow. Where is this constraint discussed in the GPU documents and reflected in its policies and implementation measures?

The County reported in the last Housing Element (2003) that it was working on implementing Density Bonus allowances, with the Ordinance expected to be adopted by the end of FY 2003-04. The current Housing Element says that the County “is in the process of preparing” a Density Bonus Ordinance consistent with State law, but that it will not be completed until after adoption of the 2030 GPU. The Ordinance will allow greater density bonuses and incentives and concessions for affordable and senior citizens housing; it is now scheduled to be adopted by 2012. (The most recent State law on density bonuses referred to is SB1818, which became effective in 2005.) Why is it taking the County so long to prepare and adopt this Ordinance that is a key to promoting affordable housing in the County? How can the County be relied on to implement any of its indicated mitigating and implementing policies and measures if this is typical of its dispatch in addressing consistency with State law and promises to promote affordable housing?

The Housing Element also states that it is County policy that when locating agricultural industry in rural areas, a determination should be made that there are transit opportunities and an adequate employment base living within a reasonable distance of the site (p. 144). **Where are these factors discussed in the GPU documents and reflected in its policies and implementation measures?**

The HE says (p. 91) that:

“Any development proposed in the unincorporated area within a city’s UAB is forwarded from the County to the affected city for review and comment. Because it is planned that most land within these boundaries will at some future time be part of the cities, the County Planning Commission and Board of Supervisors give serious consideration to the approval or denial of a project. Unincorporated communities with municipal advisory councils are also afforded an opportunity to comment upon proposed project[s] within their respective communities.”

The Planning Framework in the 2010 version of the GPR appears to move distinctly away from this approach, making communication and cooperation optional on the County’s part. Where are the municipal advisory councils discussed in the GPU documents?

COMPONENT C – ENVIRONMENT (GPR p. C-1 ff)

The first sentence of this Component states that the General Plan “provides *guidance* for the *protection of natural and cultural resources* and the *protection of the health and safety of County residents* with an emphasis on *enhancing scenic landscapes, reducing pollutants, minimizing the threats of man-made and natural hazards, and maintaining adequate water supplies.*” **Unfortunately, the “guidance” provided by the Goals, Policies, and Implementation Measures of the GPU documents is very rarely sufficiently clear, measurable, and enforceable enough to ensure that the desired results will be achieved (or in many cases that they will even be worked on).** As mentioned above in the Housing Element comments, **protection of natural and cultural resources and the health and safety of County residents were top public priorities in the Tulare County Blueprint proceedings, so it is especially important that the GPU documents focus on strong, concrete, immediate and ongoing actions to provide this protection.**

Why does this Component make no mention of global climate change, which is probably THE most threatening of man-made hazards that we must address, and that is already adversely impacting Tulare County?

The County has made no changes in content in pp. C-1 – C-3 compared to the 2008 GPR except to list on p. C-3: “Animal Confinement Facilities Plan (ACFP) Phase I [Not included in this document, previously adopted.]”

Concept 1: Scenic Landscapes (p. C-1): How and where does the General Plan “enhance” the County’s irreplaceable scenic landscapes? How does the General Plan improve upon Nature’s handiwork? “Preservation” can keep these landscapes as they are, beautiful and functional, providing watersheds, forests, viewsheds, grasslands, habitat and biodiversity, tourism and recreational opportunities, carbon sequestration, air cleaning and cooling, etc., and thus preserve our irreplaceable natural capital and high-functioning natural ecosystem services. Their preservation is certainly “critical to the future of the County.” How will the County assess the benefits that these landscapes provide? It must be sure to weigh the value of their ecosystem services and their natural capital. What kind of programs would preserve this resource to the fullest extent? What kind of programs would use this resource to the fullest extent? Are these programs mutually exclusive? If not, how can they be balanced?

Concept 2: Environmental Resources Management (p. C-1): What would make it impossible to avoid development in naturally and culturally sensitive areas?

Concept 3: Air Quality (p. C-1): Please include development and construction practices and land use practices in this list. Water use practices should be included also because pumping and distributing water accounts for major percentages of our energy use and consequent GHG emissions.

Concept 4: Health and Safety (p. C-1): More threatening to the health and safety of the County and its future and the welfare of its residents are the impacts of global climate change, already affecting us by shrinking our snowpack, bringing more precipitation as rain than snow, causing earlier run-off, and bringing hotter temperatures. Certainly the Environment Component must discuss Global Climate Change (it will also affect air quality and water supply).

Concept 5: Water (p. C-1): Please add that an important component of our water strategy described herein should be determining the nature, extent, and quality of our existing water supplies. How can we determine how much we need to conserve or how much we need to find from new sources such as recycling and re-use until we know how much water we have?

Guideline Principles (p. C-1)

Scenic Landscapes (p. C-1)

Principle 2: Reinvestment (p. C-2): Please revise as follows: “Promote reinvestment . . . that enhances *sustainability*, livability and image.”

Principle 5: New Town Impacts (p. C-2): This principle should not be needed because the County should prohibit the development of any New Towns. The space available within our existing cities alone can accommodate all the growth projected through build-out of the General Plan, We have about 40 existing UDBs and new HDBs, not to mention the MSCs. We have no need whatsoever of New Towns. Limiting new development to within current boundaries will do the most to fulfill the people’s priorities of focusing growth in existing developed areas, preserving agricultural and open space lands, and improving air quality and protecting water supply and quality. What does promoting the development of New Towns say about the County’s interest in reinvesting in our existing communities (see Principle 2 above)?

If the County intends to permit New Towns, **this Principle must be modified** to be more inclusive of impacts that must be limited: “Ensure that new towns or communities are planned and designed to limit their impact on scenic working and natural landscapes, *and on natural and cultural resources, and on air quality, and on water supplies and quality, and on vehicle miles traveled, and on GHG emissions.*”

Environmental Resources Management (p. C-2)

Principle 1: Natural Resources (p. C-2): Please revise as follows: “Provide for the *identification, protection, understanding*, and appropriate utilization *and conservation . . .*” The County should be pro-active in the first three areas, and in conservation, as well as utilization. Surely, we intend to leave something for generations to come?

Principle 3: Cultural Resources (p. C-2): Much more than “identifying” cultural resources is necessary to “ensure the preservation and maintenance of the heritage of Tulare County. **The cultural resources themselves must be preserved and maintained if our heritage is to be preserved and maintained.**

Principle 4: Natural Lands (p. C-2): Please modify as follows: “*Ensure* the continued preservation of natural lands *and their natural inhabitants.*” It’s much cheaper and easier in the long run to preserve the habitat necessary to sustain viable populations of native species than it is to go through the requirements of the Endangered Species Act and related legislation. It’s also the right thing to do. Our native species (flora and fauna) provide essential ecosystem services and are important to the beauty of the County, our quality of life, and tourism as well. They are also significant components of “the heritage of Tulare County” (see Principle 3).

Air Quality (p. C-2)

Principle 1: Air Quality (p. C-2): Please include “construction and building” in the list of programs to improve air quality. Energy and water efficiency in construction and building can significantly affect air quality.

Principle 2: Reduce Pollution (p. C-2): Please include “construction and building” in the list of practices that contribute to poor air quality; construction and building practices are a major factor in air quality.

Principle 3: Alternative Transportation Modes (p. C-3): Please revise as follows: “Promote *compact, efficient, multi-use, higher-density infill and concentric* land use patterns and provide alternative travelways (such as bicycle and pedestrian trails and paths, traffic lanes for multi-passenger vehicles only, complete streets, etc.) that support”

Principle 4: Health, Safety, and Welfare (p. C-3): This must include cleaner air, reduction of GHG emissions, neighborhoods designed for safety (e.g., CPTED – Crime Prevention Through Design), adequate sewage and wastewater systems, and safe water to drink.

Animal Confinement Facilities Plan (ACFP) Phase I (p. C-3): Why is the ACFP listed here without any corresponding Principles or Environmental Concepts? These should be supplied, since ACFPs have an enormous impact on Tulare County’s environment, affecting air quality, water supply and quality, GHG emissions (contributing 63% of the GHG emissions in the unincorporated County), public health, and quality of life.

CHAPTER 7. SCENIC LANDSCAPES (GPR p. 7-1 ff)

The County has changed virtually nothing in this Chapter from the 2008 version. It deleted the “Acronyms” section and added “Work Plan” in front of “Implementation Measures” in the fifth bullet on p. 7-1, eliminated “breaking up massing” in the second bullet in SL-1.1 on p. 7-3, changed “Hide” to “Screen” in SL-1.1 on p. 7-3, added a fifth bullet to SL-4.1 (p. 7-7, “Promote highway safety by identifying appropriate areas for traffic pull-outs and rest areas”), added a fourth bullet to SL-4.2 (p. 7-8, “Promote County road safety by identifying appropriate areas for traffic pull-out”), and added a map, “Designated Candidate Scenic State Highways and County Scenic Routes, Figure 7-1,” p. 7-5.

SL-1.1 Natural Landscapes (p. 7-3): “The County *may*” is not a clear Policy and does not guide a specific course of action to achieve a goal. Please change to “To this end, the County *shall* require new development to”

Why was “breaking up massing” deleted from this Policy’s second bullet? Please add to the fourth bullet:

“Include landscaping that screens the development, *utilizing native and drought tolerant plants wherever possible.*”

Please add to the fifth bullet: “Limit the impact of new roadways and grading on natural settings, and *re-vegetate*

promptly and maintain cuts and fills with native and drought tolerant plants wherever possible.” **Please add this bullet:** “Ensure that all exterior lighting is shielded to minimize light trespass, meeting ‘Dark Skies’ standards. To minimize unnecessary lighting and energy use, exterior lights should be on motion sensors or timers wherever feasible.”

SL-1.2 Working Landscapes (p. 7-3-2): Please add to the second bullet: “Screening and breaking up parking and paving with landscaping, *utilizing native and drought tolerant plants wherever possible.*” **Please add this bullet:** “Minimizing impermeable paving and hardscape in order to reduce runoff and promote groundwater recharge.” **Please add to the third bullet:** “Ensure that all exterior lighting is shielded to minimize light trespass, meeting ‘Dark Skies’ standards. To minimize unnecessary lighting and energy use, exterior lights should be on motion sensors or timers wherever feasible.”

SL-1.3 Watercourses (p. 7-3): The GPR should include a map showing the trails and watercourses currently used for public recreation (and should designate areas reserved for future trails and water recreation) so that it would be clear where the viewsheds are in which the “rural and natural character of landscape” must be maintained.

SL-2.1 Designated Scenic Routes and Highways (p. 7-3): The Scenic Landscapes Element is really inspiring. **Please add this bullet:** “Establishing trail systems within these scenic corridors to encourage their enjoyment by foot, by bicycle, and by horseback.” It would be healthier for the scenery and for the tourists to be enjoying our marvelous landscape outside of their vehicles. This would encourage active tourism with lower GHG emissions and also promote a healthier local citizenry.

Thank you for providing Figure 7-1, , which had gone missing, but has been restored. Unfortunately, it is very hard to read. Please include some text in SL-2.1 listing and describing the eligible segments of Highways 198 and 190 and the system of County scenic routes. Our County’s scenic routes are some of the most beautiful and accessible in the State, and should be much better mapped, signed, and advertised for the benefit of residents and tourists alike. They are among our County’s greatest resources for recreation, auto and cycle touring, photography, birding, wildlife watching, wildflower sighting, blossom trails, farm trails, and the thrill of visiting the amazing geographical, climatic, and biological diversity of California.

Also, **please cross-reference** (in a text box?) C-1.3 “Scenic Corridor Protection Plans” (p. 2-1, Part II Area Plans). **Please explain** how these two policies are related. Are they supposed to be doing the same thing? **Why are the County’s candidate scenic routes not mentioned in C-1.3? Please make these Policies consistent and strong, with concrete, timely IMs so that these wonderful scenic, sustainable resources will be protected, promoted, and preserved.**

Implementation Measure #1 (p. 7-9): This IM must list a Timeframe. It’s urgent, as Highways 190 and 198 are rapidly losing their scenic qualities due to haphazard development that certainly does not meet the criteria for scenic highway development.

IM#2 (p. 7-9): This IM was scheduled for 2007-2010; now it's moved to 2010-2015. Couldn't the County just modify, simplify, and localize the CalTrans procedures for State scenic highways and adopt them for the County's many scenic routes? **What's happened in the last 3 years on this IM?**

IM#3 (p. 7-9): This IM was scheduled for 2007-2010; now it's moved to 2010-2015. Same comments as for IM#2 directly above.**IM#4 (p. 7-9):** This IM was scheduled for 2007-2010; now it's moved to 2010-2015. What's happened in the last 3 years on this IM? What does the scenic corridor overlay that exists for roads in the foothills show? **Please provide it in the Scenic Landscapes Chapter. What's the difference between the design guidelines in IM#4 and the design review processes in IM#3?**

IM#5 (p. 7-9): This IM, the County working with CalTrans on corridor protection plans, is said to be ongoing. What is the status of this IM? Is this the process that will effect IMs #2-4? When is the preparation of these protection plans to be completed? **Please include a deadline.**

SL-2.3 Historic and Cultural Landscapes (p. 7-4): Implementation Measure #8 (p. 7-10) says the County will work with others to research historic sites and prepare a formal list of cultural and historic resources. This was to be completed in 2007-2010. The timeline has been changed to 2010-2015. **What's been accomplished on this list in the last 3 years?** Presumably, we have added no new cultural or historic resources in this time. **Page 7-1 of the Scenic Landscapes Chapter states that a detailed description of places of important historical, cultural, and/or architectural importance can be found in the Background Report. Indeed, Table 9-3, BR p. 9-57 ff, lists the Historic Properties of Tulare County (2008). So, how much more needs to be done? What will be done with the list once it's completed?** Local Chambers of Commerce and historical groups would likely also be good sources of information and might be able to contribute to getting the list published and distributed to tourists and interested residents.

SL-2.4 New Billboards (p. 7-4): The County shall *prohibit billboards* and other forms of off-site advertising along scenic roadways and in designated agricultural and open space areas (unless superseded by State law).

SL-2.5 Billboard Removal (p. 7-6): The County shall *seek to reduce the number of billboards* along scenic roadways.

IM#5 (p. 7-9) is for SL-2.4 and 2.5; it says the County will work with Caltrans to prepare corridor protection plans. This implementation has presumably been "ongoing" for a number of years. **Please put a deadline on it and get the plans done in order to get rid of the billboards.**

IM#9 and #10 (p. 7-10) are to implement SL-2.5, with a timeline of 2020-2030, indicating a very low priority for evaluating amortization rules and exploring means of abating and removing billboards and creating an inventory of billboards indicating any that are inconsistent with County Zoning. Of course, **neither evaluating rules and exploring means nor creating an inventory will prohibit or reduce the number of billboards, so neither of these IMs will effect the Policies. IM #9, for SL 2.5 (p. 7-7):**

However, the County might be able to engage volunteer assistance in this inventory process. Various groups interested in beautification and tourism come to mind.

SL-2.6 Billboard Placement (p. 7-6): The County shall *control the placement of billboards* throughout the unincorporated County to preserve scenic qualities along major routes. This policy has **no IM, so there is no way to know when or how the County will control placement of billboards.**

SL-3.1 Community Centers and Neighborhoods (p. 7.6): How will the County “support investments in unincorporated communities and hamlets?” The first bullet calls for “Encouraging restoration of existing historic buildings.” How will the County encourage this? How and when will it enhance overall community design frameworks and reduce the need for sound-walls and gated neighborhoods, and plan interconnected neighborhoods with social and physical centers? How will it enhance the comfort and scenic experience of cyclists, pedestrians, and transit riders?

IM#11 (p. 7-10) says the County “Shall **update its Land Development Regulations and Zoning Ordinance** consistent with the policies described herein.” This IM was scheduled for 2007-2010. Now it’s scheduled for 2010-2015. What’s happened in the last three years with these updates? How will they “encourage” restoration?

IM#12 (p. 7-10) says the County will work with others to add “**design elements**” to community plans and specific plans. This IM is shown as “ongoing.” What are the “design elements? In what community plans and specific plans have they been added? Where can the results be seen?

Unfortunately, **Policy SL-3.1 and its IMs are much too vague and weak to be relied on to accomplish anything.**

SL-3.2 Urban Expansion – Edges (p. 7-6): This important Policy says that the County “shall design and plan” to protect scenic qualities by maintaining urban separators and protecting important natural, cultural, and scenic resources in areas that may be urbanized in the future.

But its **IM (#13, p. 7-10)** says only that the need for urban separators will be “considered” when new or updated plans are created. **The IM is weaker than the Policy. The County should map and designate and preserve these separators now, before it’s too late. Please revise as a minimum as follows:** “Whenever new . . . urban separators *shall be designated and maintained* as part of the process.”

SL-3.3 Highway Commercial (p. 7-7): Policies such as this one that “require” by “encouraging” and “discouraging,” with exceptions and no meaningful IMs (IM#11 and #12 on p. 7-10, as discussed above) cannot be relied on to effect any worthwhile goals.

Please clarify and strengthen SL-3.3 and its IMs to prevent sprawl development along scenic roadways and frontage roads. Developing regional growth corridors will work against compliance with AB32, SB375, the

County's Climate Action Plan, the County's rural and scenic character, community character and identity, urban separators, and many other key goals and concepts of the GPU.

SL-3.4 Planned Communities (p. 7-7): Planned communities must be allowed only within existing UDBs and HDBs which have the infrastructure to support them and the desire to host them. Development on ridgelines and hilltops must be prohibited, and light trespass must be prohibited if we are to have any hope of preserving our scenic landscapes. **Flexibility regarding worthy goals and policies provides no way to enforce them and thus promotes widespread non-compliance.**

We strongly urge the County to adopt and uniformly and universally implement a "Dark Skies"/light trespass ordinance. The language and specifications are readily available, and many jurisdictions have already implemented such ordinances. Minimizing light trespass is not only essential to maintaining visual access to one of our greatest (and absolutely free) resources (our spectacular night sky), it is also important to being a good neighbor, to protecting night habitat for wildlife, and to conserving energy, and thus reducing GHG.

ERM-5.18 "Night Sky Protection" (p. 8-17) does not suffice: it is a piecemeal approach that ignores the facts that a concerned public has already demonstrated the interest, energy-efficiency is an extremely important issue that the County must firmly address, and the BMPs have already been determined. (The only IMs for this Policy are #11 and #12 on p. 7-10, discussed above.)

SL-4.1 Design of Highways (p. 7-7): Please add to the fourth bullet: "Avoiding excessive cut and fill for roadways . . . and promptly re-vegetating cut and fill areas with native, drought tolerant plants." Thank you for adding the new fifth bullet, although it does not completely fulfill our request in our 2008 comments (which were: Please add this bullet: "Providing identified wayside pullouts and rest areas with parking space and interpretive signage to enhance attractiveness and safety of our roads, encourage travelers to learn about the area's natural and cultural history and attractions, and allow safe opportunities for photography, picnicking, resting from driving, and (on smaller roads) allowing other vehicles to safely pass").

SL-4.2 Design of County Roads (p. 7-8): Thank you for adding the new fourth bullet (with same comment as above for SL-4.1).

8. ENVIRONMENTAL RESOURCES MANAGEMENT (GPR p. 8-1 ff)

Key Terms

"Major Waterway. Any navigable body of water." This key term was in the 2008 version, but does not appear on p. 8-2 of the 2010 version. Please restore it, as a major waterway is certainly an environmental resource.

Ridgeline (p. 8-2): Please correct this definition. A ridgeline is not a chain of hills or mountains. It is “a line marking or following a ridge top, the crest of a ridge.”

Sensitive Natural Community (p. 8-3): Please add that in Tulare County riparian areas must be considered in this category since they are regionally rare, only 0.34% of the County.

Vernal Pools (p. 8-3): In the second sentence, “session” should be “season.”

Williamson Act (p. 8-4-3): Please revise as follows, because as written (showing agricultural production only) this paragraph is quite misleading: “This act allows property owners to have their property assessed on the basis of agricultural production *or open space uses such as scenic highway corridor, wildlife habitat area, or recreational area*, rather than current market value. The purpose of the Act . . . continue to use their property in agricultural *or open space* activities to prevent”

Existing Conditions Overview (p. 8-4 ff): Several resource categories are mentioned here. The County’s scenic resources are only implied by some of the remarks that follow. Since these resources are among the foremost in the County that must be protected and preserved, they should be mentioned, or the reader should be referred to the Scenic Landscapes section. Another of the County’s foremost resources, its **rich and productive soils**, is not mentioned here, although the soil has proven much more valuable to the County than its mineral resources, which are listed and given a paragraph. The reader should be referred to the Agriculture section and to ERM-7; our soil resources certainly merit a mention and our careful consideration

Basic Components of the Environmental Resources Management Element (p. 8-6 ff): In the first sentence, “complimentary” should be “complementary.” In the second sentence, the verb should be “deals,” not “deal” (the subject is “each”). **Please clarify the third sentence; it is too vague to be meaningful.** It says that the plans for open space and conservation “emphasize the approach of making use of existing land use trends.” **What are these existing land use trends? What is meant by “making use of them?”** What is meant by “providing guides which will encourage land uses that will lead to achievement of these plans?” **What kind of guides? What kind of land uses?** It says it will “use existing regulations, or only slightly adjusted regulations, to achieve the bulk of these plan requirements.” **What are these existing regulations, and where are they found? Are they already achieving the plans for open space and conservation (so that they require only slight adjustments)? Which plan requirements will be achieved?**

Open Space (p. 8-6): The second sentence of this paragraph says, “Open space . . . is an expression of the use of open space in conserving, protecting, and enhancing the environment of Tulare County.” **What does this mean? Open space is an expression of the use of open space?**

Open space which can be graphically portrayed is shown on the map entitled “Plan for Open Space” (Figure 8-1, p 8-7. The map is called a plan, but what is the plan? The map broadly depicts Extensive Agriculture, National and State Open Space Land, Intensive Agriculture, Urban Expansion, Flood Plains, Mountain Service Centers, Tule River Indian Reservation, Cities, Lakes, Streams, Trails, Townships, Windsheds, Railroads, Power Transmission Lines, and Airports. Tiny letters below say “Content: Open Space for Urban Use, Water Preservation, Recreation, Scenic Corridors, Agriculture, Public Safety, Water Recharge Areas.” Where and how are these “Content” designations depicted on this map?

The next paragraph says that 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*).” It then says that “*at the scale of this map, it is impossible to designate precise boundary lines for the different areas,*” and that “*detailed designations are reflected through zoning ordinances which reflect the policies of this element.*” **The County should state right here what those ordinances are and what they say, and it must provide a series of detailed maps to show where those “precise boundary lines for the different areas” are.**

The County doesn’t have jurisdiction over the National and State Open Space Land or the Tule River Indian Reservation. **The maps depicting the Plan for Open Space need to show the areas over which the County can exercise control. What is the Plan for Open Space? Is it a separate document? Does it already include detailed maps showing the “agricultural, recreation, scenic, watershed, ground water recharge, and wildlife habitat lands” and the “areas necessary for protection and enhancement of the environment” and the “proposed trail systems” and “suggested scenic corridor routes” and “important waterways?” For Open Space to be presented “through graphics,” as stated in the first Open Space paragraph, maps showing this information must be provided in the GPU documents.**

The first paragraph (“Basic Components”) says that the “Plan for Open Space” 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.**” What is meant by “a generalized system-plan?” What system? If the Plan serves only as a guide drawing attention to areas, to encourage certain uses, how does it provide any certainty that “**the bulk of these plan requirements**” will be achieved?

The third paragraph under Open Space (p. 8-6) says that “policies are important to the implementation of this plan . . . and such policies and recommendations should be regarded as a basic part of the Plan for Open Space.” **Which policies and recommendations are being referred to here? Are they in the Plan for Open Space? Are they in the zoning ordinances?**

The fourth paragraph under Open Space (p. 8-6) says that the Plan for Open Space “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.” So, the Plan “*plans for implementation of concepts.*” **It would be far better if the Plan served to preserve open space lands.**

The Plan (fourth paragraph under Open Space, p. 8-6) “discourages” “*premature*” and “*unnecessary*” conversion of open-space lands to urban uses “*as a matter of public interest.*” **The implication here is that open-space lands will all “mature” to urban uses, and that conversion to urban uses is “necessary.” Why shouldn’t important open-space lands be permanently preserved? In many cases their highest and best use is certainly not urbanization – and urban dwellers will not have food, fiber, scenic beauty, and the use of natural resources without their preservation. Of course, open-space lands also must be permanently preserved because all terrestrial life depends on them. We certainly cannot live without them, and so we must ensure sufficient permanent preservation of them to secure the maintenance of their ecosystem services, on which we are utterly dependent. The GPU/RDEIR repeatedly fails to “recognize and plan for” this “fundamental concept.”**

The Plan (fourth paragraph under Open Space, p. 8-6) “will benefit urban dwellers by *discouraging noncontiguous development patterns which unnecessarily increase the costs of community services* to community residents.” **Noncontiguous development is not only inefficient and unnecessarily costly, it also works against compliance with AB32, SB375, and the County’s Climate Action Plan.**

Policies that “encourage” and “discourage” and “support” and “cooperate” and “promote” and “should” and “make efforts” predominate in the ERM Chapter, and they are to be implemented by measures that are frequently equally vague and weak (“encourage and support,” “if feasible and needed,” “actively pursue,” “continue efforts,” “develop a list,” “promote a program,” “devise procedures,” “establish criteria,” “should initiate,” “should consider,” “should establish”—except where they repeat requirements of, for example, State or Federal law), often with timelines going out 10 years, or shown as “ongoing.” **These Policies and Implementation Measures cannot be relied on, measured, or enforced; they will not serve as mitigating policies and implementation measures for the RDEIR.**

Conservation (p. 8-6): This paragraph says there are many policies designed to *conserve resources through “careful” development and “appropriate” utilization of the resources integrated with multiple uses* where possible, and that protection and utilization of resources for recreation and open space will result in their conservation.

Where on the Tulare County Plan for Open Space Map (Figure 8-1, p. 8-7) are the areas designated for “protection and utilization of resources for recreation and open space that will result in their conservation?”

The first paragraph on p. 8-9 says that “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.” How will a *recommendation* preserve wildlife habitat? A recommendation is not a Policy. Which are the Policies that “provide for” new habitat preserves, and will these Policies actually ensure preservation of land for this purpose? What is meant by “recommendations for conservation of the *diversified life style environments and economic aspects of Tulare County*”? What are *diversified life style environments*??? What *economic aspects* are being referred to? What are the recommendations, and where are they? Are these “recommendations” supposed to serve as Policies? What will be their force and effect? Do they have any Implementation Measures?

Recreation (p. 8-9): “This plan is provided for all socio-economic levels and in diverse locations so that everyone may have accessibility.” Presumably, this sentence is meant to imply that Tulare County provides open space recreational opportunities convenient to all of its residents, even those who can’t afford to go very far to get to public open space. Recreation and park sites are cited as open space, “so that they can be considered as implementation devices for a part of the Plan for Open Space.” Since the County owns and operates only 13 park and recreation facilities for a population of about 160,000 people in the unincorporated County (many of which also serve the incorporated cities’ population of over 300,000), and since the County is not proposing any new parks due to budget restrictions for their operation (BR, p. 4-3), and since the existing parks comprise less than 700 acres, it is clear that they cannot be counted as a significant “implementation device” for the Plan for Open Space.

This paragraph (p. 8-9) goes on to say that “the more related uses that can be found for a land parcel, the easier its preservation and conservation can be justified . . . land use for economically sound purposes has a higher probability of remaining in open space use.” The County must make sure when it values its land use “for economically sound purposes”, that it is properly accounting for the value of its natural capital and ecosystem services. What is the economic value of recharged groundwater? What is the economic value of cleaner air? What is the economic value of carbon sequestration? What is the economic value of a healthier population? What is the economic value of running rivers and snow-capped peaks? Perhaps it would help to look at the costs of NOT having open space and its ecosystem services. What would be the costs of having to import most of our food and most of our water? What are the costs already to the County due to its terrible air quality (missed school, lost productivity, crop damage, emergency room visits, long-term disease, etc.)? What are the costs of lost forests, lost grasslands, lost farmlands? What are the physical and spiritual costs of lost open space, lost vistas, lost wildlife, the loss of a sense of freedom and open space to explore, where there is respite from the noisy and artificial urban environment and contact with the natural world? What is the cost of not being good stewards of the creation that has always sustained us and on which we are totally dependent? The GPU documents had better

show this cost/benefit analysis and how it determines the designation of significant open space areas and the establishment of protective zoning. Its economic analysis is currently far too limited and short-sighted.

Most of this section on the Basic Components of the ERME, starting on page 8-6, is written in such a vague, convoluted, and veiled style that it seems to be designed to confuse and mystify the reader. Compare it, for example, with the language in the Open Space Element of Sonoma County's General Plan: "State law recognizes that open space land is a limited and valuable resource which must be conserved wherever possible. The element must address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for public health and safety. The purpose of the Open Space Element is to preserve the natural and scenic resources which contribute to the general welfare and quality of life for the residents of the county and to the maintenance of its tourism industry. . . . The Open Space Element has three major components, a policy framework for the preservation of open space lands, an open space map for each planning area identifying the lands subject to the various policies, and an implementation program. There are four classifications of open space – scenic resources, biotic resources, outdoor recreation, and archaeological/historical resources. The unique quality of Sonoma County results from the attractiveness and diversity of its landscape. The scenic resources component includes three open space categories, community separators, scenic landscape units, and scenic highway corridors." This language is clear, direct, and designed to inform the reader. Please rewrite the Basic Components of the ERME section (pp. 8-6 – 8-9) to achieve the same results in this part of the GPR.

8.1 Biological Resources (p. 8-9 ff)

The Policies and Implementation Measures in this section must include the likely continuing and accelerating impacts of global climate change on habitats, biodiversity, and ecosystems in the County and must show how the Policies and IMs are considering both current conditions and likely trends in determining suitable actions and timelines. This section must also consider the impacts of its Policies and IMs on global climate change.

ERM-1.1 Protection of Rare and Endangered Species (p. 8-9) and Implementation Measures #1-#7 (pp. 8-21 and 8-23): The problem with this fine-sounding Policy and its Implementation Measures is that **while the wording of the Policy implies proactivity, the IMs for the Policy are almost entirely only reactive**, dealing with the activities of protection only on a haphazard, piecemeal basis as sites come up for project development, which will do very little to carry out the stated intent of the Policy (**protection of wildlife and plant life, especially that which is rare, threatened, or endangered cannot meaningfully occur on a fragmented, piecemeal basis, as it is primarily habitat-dependent, and protecting disconnected small oases of fragmented habitat will not ensure protection of viable populations of species**). If the County truly means to ensure protection of its native plants and animals, it must **proactively identify, protect, and preserve habitat areas sufficient to sustain them before it's too late (factoring in the impacts of global climate change as well)**.

IM #1- Encourage and Support Education (p. 8-21) is a good goal, but does not say how it would do so, rendering the IM too vague to be meaningful or enforceable. **Please correct this deficiency.**

IM #5 – Develop a Joint Study (p. 8-21) is a good start, but it **does not state what will be done once the study is completed**, which would be the real implementation. Additionally, **habitat must be preserved not only for the survival of rare and endangered species, as required by law, but also to ensure that native populations do not become rare and endangered.** How will the “quantity of demand” be determined? How far into the future will it be projected? **Will the likely continuing and accelerating impacts of global climate change be factored in to the amount of habitat that must be preserved?** How will loss of habitat lands affect global climate change?

Much of the information needed for this study is already available, waiting to be compiled from various sources (Fish and Game, Fish and Wildlife, Native Plant Society, Natural Resources Conservation Service, Center for Biological Diversity, etc.). **Furthermore, much of the habitat needing to be protected and preserved is immediately obvious and is already very rare and endangered itself, so that time is of the essence in completing this study and acting upon it.** This IM had a timeline of 2007-2010 in 2008. Now it's 2010-2015. Five more years may be too late for many of these key habitat areas. **Please go for 2012 at the latest.**

NOTE: Table 9-1 Habitat Types of Tulare County (BR p. 9-11) has been very substantially modified in the 2010 version (see BR p. 9-9 in the 2008 version). **What accounts for these very large changes in Acres and Percents?** The source for the 2010 data is given as “CDF, 2002.” No source or date is given in the 2008 version. **How can this information be considered reliable when it is so drastically different in two years (e.g., a loss of @4500 acres of Alpine Habitat – the great majority of this Habitat, a more than doubling of Annual Grassland, an almost doubling of Chaparral, a loss of well over 140,000 acres of Hardwood Woodland, Riparian habitat cut in half, Urban more than doubled)? Please explain and verify this information.** Are Policy decisions being made on this basis?

Tulare County, per the current Background Report (p. 9-11), is only 0.34% Open Water (0.17% Lake in 2008), only 0.61 % Wetlands (0.21% wetlands in 2008), and only 0.15% Riparian (0.34% riparian in 2008). These percentages, of course, used to be hugely greater, when Tulare County just 150 years ago hosted the largest fresh water lake west of the Mississippi, vast Valley oak forest, and extensive riparian and wetlands. The painfully few watery areas in the desert floor of our valley are absolutely critical habitat and corridors for native plants and animals, and very important for humans as well. **The County should preserve and sustain these key environments for all of us who depend on them, for flood protection, for groundwater recharge, for tourism, for recreation, for scientific study, for cleaning and cooling the air, for cleaning runoff water, and for themselves.** The alpine habitat 0.04%

(0.18% in 2008) is already protected federal land . **Quite certainly, all of these areas have already been mapped and GISed.**

We already have (or should very shortly have, as in the case of long-overdue developer impact fees) the means to preserve these tiny remaining portions of our natural heritage, through the California Land Conservation Act (Williamson Act), the Quimby Act, the Oak Woodland Conservation Act, developer impact fees, zoning, mitigation programs, etc.

Please prioritize this study and state how and when its results will be used. One of its products should be a comprehensive County biodiversity map, with overlays for all of our sensitive, significant, rare, threatened and endangered species and habitats (including wildlife corridors), plus existing and other suitable recreational resource lands. This map should guide all land use decision-making, to ensure protection and preservation of these almost-vanished resources.

IM #7 Resource Conservation Areas (p. 8-23) should indicate what the “existing provisions” within the Zoning Ordinance are. Please see comment on IM #5 directly above for areas that can be identified immediately as in dire need of being designated as Resource Conservation Areas to protect them as habitat.

Please explain why, if these provisions already exist, we are showing a timeline of 2015-2020 (was 2010-2015 in the 2008 version) for implementing them.

Please provide concrete, trackable implementation measures with a timeframe of 2010-2012 for this very critical and time-sensitive IM.

ERM-1.2 Development in Environmentally Sensitive Areas (p. 8-9): Please add to the second sentence: “Development in natural habitats . . . to minimize erosion *and disturbance of natural watercourses, water bodies, and drainage systems*, and to maximize beneficial . . .” **This Policy should also require at least 1:1 mitigation for any development allowed in sensitive habitat areas.**

ERM-1.3 Encourage Cluster Development (p. 8-9): This Policy should mandate cluster development to preserve not only sensitive habitat potential, but open space in general. This could help in meeting the people’s priorities and also in complying with AB32, SB375, the Blueprint, and the County’s Climate Action Plan. **No IM is shown for this Policy** to tell what methods the County would use to encourage cluster development, which is unlikely to occur on the basis of “encourage” alone.

LU 3.2 (p. 4-27) and IM # 19 (p. 4-36) address cluster development in an equally vague and unmeasurable manner. (Likewise, Policy HS-6.4 Encourage Cluster Development, p. 10-10, says that the County shall “encourage” cluster developments in areas subject to high fire hazard, but gives no idea how the County would do this and provides no IM.)

Please provide concrete Policies with measurable, enforceable IMs and timelines for requiring cluster development as a condition of any development permitted in sensitive habitat areas.

ERM-1.4 Protect Riparian Areas (p. 8-9) and Implementation Measures #5 (p. 8-22) and #7, #8, and #9 (p. 8-23): Given global climate change, the County's impending water crisis, the extreme need for groundwater recharge, the need to comply with AB32, wildlife requirements, recreational opportunities, the importance of scenic landscapes, and the people's priorities, this is an extremely important Policy that must be implemented comprehensively and very promptly. Per the Background Report (p. 9-11), **only 0.15% of Tulare County is riparian.** Much of this tiny remaining percentage is already degraded. This is an increasingly essential, increasingly endangered resource.

Unfortunately, IM#5 is only "to develop a joint study."

IMs #7 and #8, to designate Resource Conservation Areas and develop and administer a mitigation banking program, are now timed for 2015-2020 (the timeline was 2010-2015 in 2008), which is incomprehensible given our water emergency and given that IM #7 states that the County has existing Zoning Ordinance provisions to designate Resource Conservation Areas to protect habitat. It is astonishing that the County should qualify IM #8 with "if feasible and needed," ignoring the fact that mitigation banking programs are already well-established and functioning to preserve and protect natural resource lands in many other jurisdictions. The County has been urged many times over the last several years to implement a mitigation program and certainly has the means to do so in the immediate future.

Please change the timelines on IM #7 and IM #8 to 2010-2012. Please make concrete and measurable the steps that the County will take in this timeframe to effectively protect our almost-vanished riparian areas (for example, set annual goals of riparian acreage to be permanently protected, with a meaningful total goal to be achieved, and a monitoring and reporting program that allows the public to review annually the effectiveness of this program).

ERM-1.5 Riparian Management Plans and Mining Reclamation Plans (p. 8-9) and IM #7 (p. 8-23): Please apply comments above on ERM-1.4 to ERM-1.5 also. The sole IM for this Policy has to do with the County designating Resource Conservation Areas in 2015-2020; please clarify the applicability of the IM to this Policy, and move the Timeframe forward to 2010-2012.

Please make this Policy and its IM concrete and measurable. Please state what measures must be included in the plans, how they will be implemented and monitored, and when this will be required.

Please explain how this is related to the County's Zoning Ordinance provisions to designate Resource Conservation Areas. Since most of the mining in the County takes place in riparian areas, it is extremely important that these areas be protected and restored as well-functioning habitat. Restoration must be required throughout the mining process in order to minimize habitat loss.

ERM-1.6 Management of Wetlands (p. 8-10) and IMs #5, #6, #7, #10, #11 (pp. 8-22 and 8-23): Given global warming, endangered and threatened species and habitat, the County's impending water crisis, AB32, and the people's priorities, this extremely important Policy must be implemented comprehensively and very promptly. **Please clarify and strengthen this vague ("support" preservation) Policy and its IMs.** Per the Background Report (p. 9-11), **only 0.61% of Tulare County is wetlands.** This is a tiny fraction of the wetlands areas that once so enriched our County. The Background Report states (p. 9-4) that wetlands provide habitat for many plants and animals and are essential in preserving the quality of surface waters and in recharging **groundwater** aquifers.

The joint study in **IM #5** is important; it is very likely that **most of this information is already available** from Fish and Game, Fish and Wildlife, Natural Resources Conservation Service, the Center for Biological Diversity, etc. **IM #5 should state how the study will be used. Please see the comments above (with ERM 1.4) on IMs #7 and #8.**

IM #10 shows a 2015-0-2020 timeline for pursuing a program for vernal pools; **please change this to 20010-2012**, because these pools are highly threatened (the Background Report, p. 9-28, states that vernal pool ecosystems are considered one of the most threatened ecosystems in California, often occurring on relatively flat terrain, and highly vulnerable to destruction from agriculture, heavy grazing, urbanization, brush clearing, and off-road vehicle use). Admirably, **IM #10** says that the County shall actively pursue acquisition or preservation of vernal pools, **BUT** not until 2015-2020, by which time many more will have been irretrievably lost. Since **conservation easements and trusts are already available instruments** in the County, the County should **define** concretely what it means by "**actively pursue**" and begin preserving these pools right away. Why can't the County work right now with our local land trust to acquire or preserve this threatened ecosystem? **Please establish a mitigation banking program well BEFORE 2013, along with developer impact fees.**

IM #10 should be revised to state a minimum number of acres of vernal pool ecosystems that the County will commit to acquiring or preserving before 2012 and **should establish an ongoing annual goal for their preservation, the achievement of which will be monitored and measured, with the results available annually for public review.**

IM #11 Wetland Preserves (p. 8-23) must be made clear, concrete, and enforceable. It should state what the County's current efforts are to maintain and enlarge wetland preserves. **It should as a minimum set specific annual goals for additional acreage to be set aside for wetland preserves to maintain the flyway route.** It should recognize that, beyond their importance to habitat, such preservation areas can be **very attractive to tourists**, especially the ever-growing numbers of bird-watchers. **Please revise its current second sentence to "Such wetlands shall also . . ."** **Then state in concrete terms, with measurable implementation objectives, how the County will protect these preserves through the programs listed.**

ERM-1.7 Planting of Native Vegetation (p. 8-10) and IM #12 (p. 8-24): This Policy would be good not only for native plants and the wildlife dependent on them, but also for maintaining the natural character of Tulare County, and, very importantly, given our impending water crisis, for reducing water use, as native plants will typically need no irrigation once established.

Please change “encourage” to “require,” especially in the case of developers. If the County insists that it cannot require anything because it needs flexibility, then require a percentage only, such as 80% (after all, Las Vegas is allowing no more grass front yards and is paying homeowners to rip out their thirsty lawns and plants and replace them with natives).

The Implementation Measure (#12), developing a list of native vegetation to be used (already currently available from the Native Plant Society, local nurseries, and numerous other sources), is not likely to significantly increase the planting of native vegetation, since that information is already widely available. To promote water conservation and achieve measurable increases in such planting, the Policy and the IM must be strengthened and should include specific annual goals for native planting.

ERM-1.8 Open Space Buffers (p. 8-10) and IM #9 (p. 23): In the first sentence, “significant” should be clarified. In Tulare County, EVERY instance of riparian vegetation and wetlands is significant because they are so rare and important. Additionally preserving natural watercourses is very important for runoff management, flood control, and groundwater recharge; these watercourses should be preserved also as natural features, providing relief in a largely flat landscape in the valley. Please revise the second sentence in the Policy: “These buffers *shall* be sufficient” The IM is unclear when it says that the buffers will be public open space. Does that mean that the buffers will be open to public access? If so, they will need to be larger in order to accommodate human activity in addition to their function for preservation.

ERM-1.9 Coordination of Management on Adjacent Lands (p. 8-10): This Policy has been modified in the RDEIR (p. ES-10, etc.) by the addition of new text. After “preserve and protect biological resources,” new text has been inserted as follows: “including those within and adjacent to designated critical habitat, reserves, preserves, and other protected lands.” No explanation is given for this change and the change has not been made in ERM-1.9 in the GPR, where no indication is given that the text has been modified in the RDEIR. What is the intent of the additional text? Does it mean to limit where the County will “work with” others to preserve and protect resources? Why has the change been made? How and when will the County “work with” other government land management agencies to achieve preservation and protection? How will the results of the County’s efforts be measured? Does the addition of the new language intend the meaning that the County will work to maintain “*the ability to utilize and enjoy the natural resources in the County*” even if they are designated as critical habitat reserves, preserves, and other protected lands? This Policy is far too vague and ambiguous to serve as a mitigating Policy for the RDEIR, and it has no Implementation Measure, although it certainly needs one.

ERM-1.10 Appropriate Access for Recreation (p. 8-10) and IM #13 (p. 8-24): Here is another example of a Policy to “encourage” to be effectuated by an Implementation Measure to “encourage.” How will the County “encourage?” The interesting part here is that, per IM #13, the County “shall classify and preserve private lands which are prime timber lands and reserve them for that use . . .” **How can the County do this? If it can preserve private timber lands and reserve them for timber, then can it also preserve private wetlands and riparian areas and other key habitat areas and reserve them for ecological purposes? Please clarify, and apply to other critical resource lands if in any way possible.**

ERM-1.12 Management of Oak Woodland Communities (p. 8-10) and IM #14-16 (p. 8-24): The Policy should be clarified because “support” is too vague.

IM #14 says “the County shall ensure the provisions of PRC 21083.4 [The California Oak Woodland Conservation Act of 2001] are followed when evaluating projects in woodlands.” The Oak Woodland Conservation Act grew out of concern at the extensive loss of these woodlands to development, firewood harvesting, and agricultural conversions, because oak woodlands moderate temperatures, reduce soil erosion, facilitate nutrient cycling, sustain water quality, enhance natural and scenic beauty, enhance the monetary and ecological value of real property, promote ecological balance, and provide habitat for about 5,000 insect species, 160 bird species, and 80 mammal species, according to the University of California (this is not to mention their value for tourism and hunting and fishing interests). The Act established an Oak Woodland Conservation Program administered by the Wildlife Conservation Board, which is authorized to purchase oak woodland conservation easements and provide grants for land improvements and oak restoration efforts; its intent is to support and encourage *voluntary*, long-term private stewardship and conservation of these woodlands through financial incentives and to encourage planning that is consistent with oak woodland preservation. Twenty percent of the money may be used for public education and outreach by local governments and others and for grants to provide technical assistance and to develop and implement oak conservation elements in a general plan.

To qualify for funding, the county (or city) must have adopted an Oak Woodland Management Plan; grant proposals may come from private landowners, local government entities, and others, but the County (or city) must certify that proposed grant requests are consistent with its adopted Oak Woodlands Management Plan. Thus, **IM #14 is meaningless unless the County has adopted an Oak Woodlands Management Plan (OWMP), but the County has not done so, despite urging from individuals and groups such as Tulare County Citizens for Responsible Growth (TCCRG), the Audubon Society, the California Oak Foundation, and Sequoia Riverlands Trust (SRT). TCCRG and SRT even offered in 2009 to write the OWMP for the County.**

IM #15 (p. 8-24) states that the County (in 2015-2020, which is outrageous, since it was 2010-2015 in the 2008 version) “shall work with stakeholders to determine the feasibility of adopting an oak woodlands

management plan pursuant to the . . . Act.” This is a poor replacement for the related IM in the 2007 draft of the GPR (#13 on p. 8-17), which said that the County “shall protect oak trees throughout the foothill and mountain areas. Preservation methods may include agreements with the owner, conservation easements, and purchase of the property by the County or other organization such as the Sequoia Riverlands Trust”; that IM was indicated as being ongoing. Of course, the County should also be protecting oak trees in the valley, but at least in the last iteration it was committed to an ongoing effort, not to just a feasibility study sometime in the next 10 years. Here is a clearly “economical” preservation opportunity. The stakeholders have spoken. An OWMP is clearly feasible. Half the counties with extensive oak woodlands have already adopted plans and are enabling their landowners to apply for millions of dollars in State funding..

Please change the IM #15 Timeline to BEFORE 2011. In IM #13, the County is preserving prime timber lands and reserving them for that use. The County should be preserving prime oak woodlands and reserving them for habitat and their multiple other beneficial uses as described in IM #14 comments directly above. This is an important step to take in the effort to comply with AB32, to help to mitigate global warming impacts, to comply with the County’s Climate Action Plan, and to meet the people’s priorities. **The Board of Supervisors stated at their July 7, 2009 meeting, after hearing a report by RMA and comments from the public on the OWMP, that the OWMP was important. Supervisor Cox stated that the Board would push this as one of the first items to be done as soon as the planners passed off the GPU. Supervisor Worthley said that at the soonest opportune moment, which could be even before the GPU is finished, RMA should make an OWMP a top priority. Let’s actually accomplish something for conservation and open space, Tulare County. Let’s get an OWMP done before 2011.**

Any reduction of natural oak woodland should compel mitigation on at least a 1:1 basis of preservation of equivalent oak woodland. Planting oak seedlings somewhere will not suffice to mitigate loss of mature oak woodland.

IM #16 (p. 8-24) states that the County “shall establish a program to require replacement planting of native oaks” when development projects propose to alter oak woodlands. Where and how will this program be established? It would be far better for the County to prohibit any extensive development in oak woodlands; they should be largely preserved due to their value as stated directly above in comments on IM #14 and #15. Any development in oak woodlands should be required not to disturb any oaks over a certain diameter and to preserve as many oaks as possible. An oak seedling, if it lives, takes dozens of years to grow to a size sufficient to provide the benefits of a mature tree. While replacement planting must be required when oaks in a woodland must be removed, replacement planting is no substitute for avoidance of oak disturbance in the first place.

Please clarify what kind of program the County means to establish, and make it much stronger than this vague and weak IM. When projects propose to alter oak woodlands, project applicants must be required to mitigate on at least a 1:1 basis with preservation of equivalent oak woodland.

ERM-1.13 Pesticides (p. 8-10) and IM #17 (p. 8-24): Please amend the Policy statement to: “The Tulare County . . . shall cooperate . . . in evaluating the side effects . . . to limit effects on natural resources *and on humans and wildlife.*”

This Policy should also address the requirement to cooperate in evaluating and regulating the significant GHG emission impacts of pesticides. Most pesticides contain VOCs, which evaporate from fields and are a key component of ozone, our most abundant air pollutant. Per the Department of Pesticide Regulation, fumigants are responsible for about half of the San Joaquin Valley’s pesticide emissions. They are highly toxic gases that contain high concentrations of smog-forming compounds and can have neurological and reproductive effects when inhaled. The fumigant methyl bromide damages Earth’s protective ozone layer, contributing to global warming and causing international concern. More than 700 pesticides contain VOCs. Overuse and misapplication of pesticides causes or allows these highly toxic chemicals or drift off fields or seep into groundwater, adversely affecting health. Ninety percent of pesticides used in California are prone to drift. Exposure to pesticides is linked to short- and long-term effects including headaches, dizziness, skin rashes, asthma, reproductive harm, acute poisoning, and cancer. Tulare County used more than 17.5 million pounds of pesticides in 2005, the third highest use of any County in California. Over 50% of Tulare County’s public schools are located within ¼ mile of agricultural operations.

Sequoia and Kings Canyon National Parks have found that fish in their high Sierra lakes carry a burden of pesticides and metals, including current-use pesticides from the Valley likely brought up by wind patterns. In a study of airborne contaminants in twenty western national parks, reported in 2008, Sequoia and Kings Canyon were found to have the highest level of current use pesticides of all the parks studied. Measurable levels of current use pesticides or banned pesticides were evident in snow, lake sediment, fish tissue, vegetation, and/or air. This information should be included in ERM 1.3, and in the Background Report and the RDEIR and addressed under CEQA by the RDEIR.

IM #17 (p. 8-15) should be amended as follows: “The County shall continue . . . the inappropriate application of pesticides, herbicides, or other chemical controls. This shall include damages . . . impregnated with pesticides or herbicides or other chemical controls which are . . .” This IM should state specifically what the County’s enforcement program is, and where the public can read about it. It should also specify the consequences that the program provides. Due to the adverse impacts (many of which continue for decades, long after the applicators are gone) of these toxic chemicals to air, water, soil, plants, animals, and the public, the County should put a cap on their use within the County.

ERM-1.14 Mitigation and Conservation Banking Program (p. 8-10): This Policy is important and long-overdue, but very disappointing because it is so **vague**, rendering it almost meaningless. The only indication of what the “support” will be is that the County will work with others to *identify lands for protection and recovery* of imperiled species impacted by development. **Thousands of acres of those lands have already been identified. The point is to find the means and the money to preserve and protect them** (such as via developer impact fees with which to purchase lands outright or to protect them with permanent conservation easements).

The Policy should be revised to state: “The County shall *establish and administer* a mitigation program, . . . to evaluate, *identify, preserve and protect* appropriate lands”

The County was asked to add a **concrete and measurable IM with a Timeline for implementation for this Policy..** But it still offers only IM#8 (p. 8-23), which says, “**If feasible and needed, the County shall develop and administer a mitigation banking program in conjunction with TCAG and other stakeholders,**” timed for 2015-2020, which may be too late for our few remaining riparian and wetland areas, and many of our vernal pools. **How will the County determine whether the mitigation program is “feasible and needed?” What information does it need that it does not already have in order to make this determination?** There are many good working models to follow, in place in other counties. The County’s “ACFP Phase I: Dairy/Bovine Animal Confinement Facilities” states on p. 30 of the “Response to Comments” section, in Response to Comment 20, that “As noted in Section 4.3.3 of the draft PEIR, a Preliminary Draft Habitat Conservation Plan (HCP) was prepared for Tulare County in 1996.” **What happened to this Preliminary Draft Habitat Conservation Plan? Was it ever adopted and implemented? Could it not serve as a basis for the County’s Mitigation and Conservation Banking Program? Why is one of the very poorest counties in California not charging developer impact fees and requiring mitigation for unnecessary loss of its irreplaceable natural resources?**

RECOMMENDATION ON MITIGATION AND CONSERVATION PROGRAM:

A survey conducted by the Association of Environmental Professionals (AEP) found that 82% of the lead agencies responsible for monitoring mitigation efforts had “inadequate in-house staff and funding to perform monitoring and reporting.” “Two thirds of the agencies said that they had not taken enforcement actions against project sponsors for failing to comply with mitigation measures or to perform adequate monitoring and reporting.” Two thirds also said that they had no established procedure for modifying a mitigation measure if it is determined infeasible or inadequate once implementation and monitoring is attempted, and that they “had never modified measures that were determined to be inadequate once monitoring had begun.”

Therefore, please ensure through concrete policies and implementation measures that Tulare County’s program requires developers pay into a fund that is used to maintain staff to monitor mitigation efforts, and that the County does not allow development to proceed until mitigation is complete and demonstrably successful.

For multi-phase projects, the County should incorporate mitigation checkpoints, so that subsequent development phases cannot move forward until mitigation benchmarks have been achieved. The County's program should require the lead agency and the developer to prepare an annual report on the status of the mitigation measures which must go to the Board of Supervisors for approval, with an opportunity for public review and input.

REQUIRED ADDITIONAL MITIGATING POLICIES AND IMPLEMENTATION MEASURES (RDEIR)

Page ES-10 in the RDEIR lists three additional Policies (ERM-1.15, ERM-1.16, and ERM-1.17) and an addition to the text of Policy ERM-1.9 for the Biological Resources section of ERM. No Implementation Measures are indicated. Only Policy ERM-1.9 (see comments above, in GPR order) appears in the GPR, and the GPR does not reference the new Policies. All of these Policies are so vague and weak that they will in no way serve as mitigating policies for the RDEIR, and none has any implementation measure (see detailed comments below).

ERM-1.15 Minimize Lighting Impacts (RDEIR, p. ES-10) states that the County shall require lighting in new development to be designed to prevent the lighting from "illuminating adjacent natural areas at a level greater than one foot candle above ambient conditions." **How did the County arrive at this standard for lighting? How and when will the County ensure that new lighting meets this standard?** What will be the consequences if new lighting does not meet this standard? To what degree will this Policy be effective in preserving and protecting sensitive significant habitats, enhancing biodiversity, and promoting healthy ecosystems throughout the County? Are the "ambient conditions" measured before any development takes place? **How will the effectiveness of this Policy be monitored? Do the "adjacent natural areas" include the sky?** The County definitely should require that all exterior lighting in new development also meet "Dark Skies" standards.

ERM-1.16 Cooperate with Wildlife Agencies (RDEIR p. ES10): This Policy is so vague that it's almost meaningless, and it has no IM. It says that the "County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas." **How and when will the County cooperate with these agencies? How and when will they "address" linkages between habitat areas?** Habitat conversion and habitat fragmentation are key threats to biological resources, so the RDEIR should certainly contain a clear, specific Policy that will promptly and concretely identify and designate critical habitat area linkages and preserve them from disturbance through a strong, clear, timely implementation measure. Not only is this protection key to the sustainability of irreplaceable biological resources, it can make "economic" sense as well, providing open space, recreation areas, wildlife viewing opportunities, green belts and urban separators to maintain the County's rural heritage and increase property values, groundwater recharge areas, natural run-off and stormwater management, etc.

Maintaining these linkages is especially important as plants and animals attempt to adapt to the effects of global climate change.

ERM-1.17 Conservation Plan Coordination (RDEIR, p. ES-10, etc.): This Policy says that the County “shall coordinate with” other agencies’ conservation planning efforts to protect critical habitat areas that support endangered and special-status species. **How will the County “coordinate” with these agencies? Why doesn’t the County have its own effective conservation plan to protect critical habitat areas (instead of just coordinating with others’ planning efforts)?** Has the County “coordinated” in the past with these agencies? What have the results been? What about implementing critical habitat area protection?

ERME 8.2 Mineral Resources – Surface Mining (GPR p. 8-11 ff)

ERM-2 Mineral Resources – Surface Mining (p. 8-11): The County should take at least equal care to conserve, identify, and restrict incompatible development from its other environmental resources as it does with its aggregate and mineral deposits. **Many of the Policies and Implementation Measures for this section are much too vague to serve mitigation or implementation for the RDEIR, and several of the IMs that were in the 2008 version have been eliminated in the 2010 version. Please explain why these measures (some of which were actually concrete, such as the requirement for annual inspections) have been deleted.**

ERM-2.2 Recognize Mineral Deposits (p. 8-11): What does this Policy mean when it says the County will “recognize as a part of the General Plan” areas of identified or potential mineral deposits? What does “recognition” entail? How does it change anything?

Figure 8-2 Tulare County Mineral Resource Zones (p. 8-12) is now included. Its Legend shows color coding for three Mineral Resource Zones, labeled MRZ-2a, MRZ-2b, and MRZ-3a, with no further information. **What is the purpose of showing these mineral resource zones? Will zoning and land use be affected in these zones? Are these zones already mapped on the County’s Regional Planning Framework, Land Use Designations and Boundaries Map (they don’t seem to appear on Figure 4-1, GRP p. 4-5)? Please explain the intent and purpose of this Policy and how it will affect land use and planning.**

ERM-2.6 Streamline Process (p. 8-11): This Policy should be revised to clarify that **the streamlining process shall continue to ensure full CEQA review and establishment of applicant’s financial responsibility for ongoing mitigation and reclamation. How does “a streamlined . . . permitting process” “help encourage long-range planning?”**

ERM-2.6 Streamline Process and IM #26- (p. 8-26): Please amend this IM to state that the Zoning Administrator shall have no authority to approve any mining permits or reclamation plans without prior public notice and due consideration of public comment.

ERM-2.7 Minimize Adverse Impacts (p. 8-11) and IM #27 (p. 8-26): This Policy should include global climate change impacts and GHG emissions related to mining, also PM10 and PM2.5 and other particulates. This vague, but very important, Policy needs a strong, clear, enforceable IM;

Please revise IM #27 to include an indication of what procedures will be devised to mitigate significant conflicts and change the Timeline to 2010-2015, which is what it was in the 2008 version. Hasn't the Zoning Ordinance update project already been going on for several years?

ERM-2.9 Compatibility (p. 8-11): How will the County "encourage" mineral development compatible with surrounding land uses? This Policy and its IMs are much too vague to be monitored or enforced.

IM #27 (p. 8-27) says that County shall "devise procedures" in the Zoning Ordinance update to "mitigate significant conflicts arising from incompatible land uses" in 2015-2010. **What would such conflicts be? What kind of mitigation would be required?** Since it appears that these recommendations were made in June of 2006, what's happened on this in the last 4 years?

IM#29 (p. 8-27) says that where springs and seeps "appear to be vital to the continuation of wildlife," they shall be protected, and that protection techniques "may" include avoidance and/or setback requirements. The great majority of our mining areas are in the desert valley, where all springs and seeps are vital to habitat, wildlife, and groundwater recharge. **ALL springs and seeps must be protected, and the techniques must be clearly specified, with avoidance required and setbacks of the number of feet necessary (not less than 150') to ensure preservation of the spring or seep. Where will the County specify these requirements?**

WHY WAS former IM#31 (p. 8-17 in the 2008 version) eliminated from the 2010 ERM Implementation Measures? It read, "Reclamation plans shall provide for an appropriate and beneficial use of the land, consistent with the Tulare County General Plan, subsequent to the completion of surface mining activities." **Please restore this very important IM to the 2010 GPR.** The standard of "appropriate and beneficial use" is an important measure of the results to be achieved by reclamation. (This is now partly covered in Policy ERM-2.13 on p. 8-13, but it says "future" [meaning when?] beneficial use and does not say "appropriate" [meaning compatible]. IM#38 on p. 8-29 also touches on this requirement, but it is shown as implementing ERM-2.11 and 2.13.)

ERM -2.11 Conditions of Approval (p. 8-13): Where and when and how will these procedures be established?

IM#33 (p. 8-28 – 8-29): Please change "should" to "shall" in the second sentence of this IM ("Conditions *shall* be imposed . . ."). **Why has item "c" been deleted from this IM?** In the 2008 version (IM#36c, p. 8-18), this item read, "If at any time it is reasonably demonstrated that there is a

significant negative impact to an offsite water supply, the mine operator shall be required to cease and desist all mining activity. Mining shall not be permitted to resume until the negative impact in question has been fully mitigated or resolved.” **Given Tulare County’s severe problems with water supply and quality, this extremely important IM must be restored to the 2010 GPR, and it should be revised to specify also “water quality” under significant negative impact.** Mining operations must be held responsible for mitigating and resolving negative impacts to water supply and quality.

WHY has former IM#37 re Conditions of Approval (p. 8-18 in the 2008 version) been deleted from the 2010 version? This IM stated that the County “shall ensure that the air pollution variance system is actively enforced in order to uphold established rules and regulations. Air pollution inspectors shall have cease and desist powers in order to stop offenders promptly upon discovery.” **Given Tulare County’s severe air pollution problems, please restore this important IM to the GPR.**

WHY has former IM #38 re Conditions of Approval (p. 8-18 in the 2008 version) been deleted from the 2010 version? This IM said, “Financial assurances shall be required as a part of the reclamation plan approval process. Said assurances shall be reviewed on an annual basis by the lead agency, and adjusted as necessary, to assure that sufficient funds are maintained to carry out the reclamation plan.” **Given that Tulare County is one of the poorest counties in California, and given the reclamation track record of the mining industry, please restore this critical IM to the 2010 GPR.** (Mine reclamation costs are mentioned in ERM-2.13, p. 8-13, but it has no financial assurance implementation measure and does not require the important annual review and adjustment.)

WHY has former IM#39 re Conditions of Approval (p. 8-18 in the 2008 version) been deleted in the 2010 version? This IM required all surface mines, unless otherwise exempted, to obtain a surface mining permit and an approved reclamation plan in accordance with SMARA. **Please restore this IM to the 2010 GPR to protect our County’s environmental resources and finances.** (This is partly covered in Policy ERM-2.13 on p. 8-13, but it doesn’t mention the permit or an “approved” reclamation plan.) **Please explain what would exempt mines from obtaining permits and an approved reclamation plan.**

ERM-2.12 Approved Limits (p. 8-13): Please change “will” to “shall” in this Policy. When, where, and how will these procedures be established? Based on the adage that “You don’t get what you expect, you get what you inspect,” this is a very important Policy.

IM#34 (p. 8-29): Please explain and clarify the meaning and intent of this extremely vague IM. Under what circumstances “may” the County enter into MOUs or develop “other protocols” for coordinating and simplifying the administration and processing of SMARA and CEQA documents? What kind of “simplifying” is intended? Are these MOUs and “protocols” subject to public notice and public review? How does this IM “ensure that vested interest mining operations remain within their approved area and/or production limits,” as the Policy states?

ERM-2.13 SMARA Requirements (p. 8-13): Why would the County exempt (“unless otherwise exempted, shall be subject to”) a mine from reclamation meeting SMARA requirements? **Please revise to:** “All surface mines shall be subject to completion of reclamation plans that meet or exceed SMARA requirements or better.” **Reclamation should be carried out to the degree possible during the time that surface mining is occurring,** not delayed until the mining activities are completed, which is when too many mining operations dissolve or declare bankruptcy and fail to carry out reclamation.

IM#38 (p. 8-29): Thank you for addressing phased reclamation. **Please change “will” and “should” to “shall” to make this measure enforceable.** Who approves the reclamation plan?

WHY has the former IM#44 (p. 8-19 of the 2008 version) been deleted for this Policy? It required the owner/operator to *obtain all necessary permits and comply with all local, State, and federal agency codes, policies, and regulations.* **Please restore it, or explain how it is required elsewhere.**

Why has the former IM#45 (p. 8-19 of the 2008 version) been deleted for ERM 2.13? This IM stated that the County “shall conduct an *annual inspection* of all extraction sites. (1) All general conditions and special conditions of approval of the surface mining permit and approved reclamation plan must be complied with at all times in order to continue the uses allowed.” Given the extensive permanent environmental damage produced by mining operations and the necessity of ongoing reclamation work, it is essential that the County inspect extraction sites annually at a minimum, and preferably more often. **Please restore this IM or explain how these inspections are required elsewhere in the GPU.**

GPR 8.3 Mineral Resources – Other (p. 8-13 ff)

ERM-3.1 Environmental Contamination (p. 8-13): This vague Policy must be clarified: what “precautions” must be taken to avoid contamination? Please include IMs for these “Other” extractive activities, including all oil and gas extraction operations, to require phased reclamation plans to restore to compatible beneficial use and financial guarantees similar to those listed above for surface mining.

ERM-3.2 Limited Mining in Urban Areas (p. 8-13): “Should” is not a Policy statement; please change to “shall.”

ERM-3.3 Small-Scale Oil and Gas Extraction (p. 8-13): This Policy should require the County to evaluate the GHG emissions and global warming impacts of such activities prior to permitting them; such activities could negatively affect the County’s ability to comply with AB32 and the County’s Climate Action Plan.

Additionally, given its impending crisis in water quantity and quality, this Policy should also require the County to carefully evaluate the impact of proposed extractive activities on water quality and supply prior to permitting extraction activities.

The GPU documents and the County's Climate Action Plan must include discussion and evaluation of the environmental impacts and risks associated with oil and gas extraction, including those related to disposition of solid wastes from drilling and workover operations; contaminants in produced water and in cuttings; leaching of contaminants from reserve pits; emissions of VOCs and methane from leaks and venting of overpressure and conditioning of natural gas; flaring of gases such as methane, hydrogen sulfide, and nitrous oxides from combustion; release of contaminating fluids from spills, leaks, blowouts, and deliberate releases for re-injection, discharge of separated water to percolation pits, and reuse of separated water (as for irrigation and road dust suppression); subsurface migration of contaminants between aquifers due to casing leaks; idle and orphan wells; etc. Natural gas and oil production emits significant methane (one ton of which has the global warming potential of 21 tons of carbon dioxide); methane is also emitted during processing, transmission and storage, and distribution. There is also GHG impact from fuels burned to support field production. **Where are these impacts addressed in the RDEIR, the Background Report, the GPR, and the Climate Action Plan?**

ERM-3.4 Oil and Gas Extraction (p. 8-13): Same comment as on ERM-3.3, directly above.

ERM-3.5 Reclamation of Oil and Gas Sites (p. 8-7): Please amend this Policy to include a timeframe in which reclamation must be completed, and clarify "timely"; e.g. , "Reclamation shall be completed timely to the satisfaction of the County within a period not to exceed one year from the termination of extraction activities."

Correct the second sentence: "Reclamation costs shall be borne by"

ERM 8.4 Energy Resources (GPR p. 8-14): This section should deal with *Energy and Water Resources*. There are no Implementaton Measures for any of the Policies in this section, and the Policies are so vague ("encourage," "promote," "participate," "coordinate," "support") that they provide no assurance of achieving anything; they cannot serve as mitigation or implementation for the impacts listed in the RDEIR.

The RDEIR lists on p. ES-8 (in Table ES-3, Required Additional Mitigating Policies and Implementation Measures), etc. two new Policies, ERM-4.7 and ERM 4-8, which are not mentioned in the GPR. They are equally vague and unreliable, as discussed below.

ERM-4.1 Energy Conservation and Efficiency Measures (p. 8-14): This Policy should be changed to deal with "Energy and Water Conservation and Efficiency Measures." Global warming, the requirement to comply with

AB32, our impending water crisis, and common sense dictate that **the County must not simply “encourage” energy and water conservation and efficiency.**

Please amend to: “**The County shall *require*** the use of best available energy and water conservation and efficiency technologies, including, but not limited to, solar energy . . . panels, *on-demand tankless water heaters, compact fluorescent light bulbs or better , energy- and water-saving appliances (high Energy Star ratings or better), and water-saving landscaping plant materials, mulches, and irrigation methods and controllers .”*

Please expand and strengthen this Policy, and give it a concrete, measurable Implementation Measure. The State Attorney General’s Office website (along with many other websites) lists numerous measures to promote energy efficiency and renewable energy and water conservation and efficiency.

Many more such measures should be provided for in this section. If water conservation and efficiency measures are not going to be discussed in this section, there should be a box showing where this essential information is provided.

The County should establish a baseline of current water and energy use per capita and establish specific, measurable goals for reducing per capita usage significantly year by year.

ERM-4.2 Streetscape and Parking Area Improvements for Energy Conservation (p. 8-14): Please amend this to: “Streetscape . . . **Energy and Water Conservation.**” This is an important Policy because of global warming, the requirements of AB32 and the County’s Climate Action Plan, and the desirable goal of beautifying our urban areas; the trees will cool and clean the air and cool the surfaces below them and will beautify street and parking areas and encourage pedestrian traffic, which could help to reduce VMTs.

This Policy should **require that developers plant the trees and ensure that funds will be available for their maintenance. The County should require that the trees be large-canopy native trees whenever possible, so as to provide habitat and drought tolerance. If the trees are not natives, they must still be drought-tolerant. The trees should be mulched and should be watered with recycled water. This Policy needs a concrete, enforceable, measurable Implementation Measure which will be effective before 2011. It should be done this year. It takes a long time to grow a tree large enough to mitigate global warming.**

ERM-4.4 Promote Energy Conservation Awareness (p. 8-14): This should be changed to “Promote Energy and Water Conservation Awareness.” This Policy is worded so vaguely as to be almost meaningless and it has no Implementation Measure. Of course, the County should provide public education on this critical subject. Will it? How and when? **Please strengthen and clarify the Policy and provide a concrete, measurable IM.**

ERM-4.5 Advance Planning (p. 8-17): Please amend this Policy: “The County shall participate . . . in identifying and implementing long-range strategies and facilities, *with an emphasis on reducing energy and water consumption in order to reduce GHGs and global climate change impacts.*” **ERM-4.6 Renewable Energy (p. 8-17): This Policy must be clarified and strengthened.** How will the County “support” efforts for development and use of

alternative energy resources? What is meant by “appropriately sited?” **This Policy needs an Implementation Measure** that shows how and when the County will effectuate renewable energy measures. For example, the County should require all new dairies to install methane capture systems to generate energy. The County should require solar energy systems on all new construction. Etc. Also, it is very important that bio-fuels not require more energy to produce than what they provide.

ERM-4.7 Reduce Energy Use in County Facilities (RDEIR p. ES-8, etc.): This Policy says, in its entirety, “Continue to integrate energy efficiency and conservation into all County functions.” How is this being done? How long has it been going on? What results have been achieved? What additional measures will be implemented, and on what timeline? **Please make this almost meaningless Policy clear and strong and provide it with concrete, enforceable, measurable Implementation Measures.** The County definitely should be setting the example and leading the way in energy efficiency and conservation (and strong, effective programs would save the taxpayers money as well, along with reducing GHG emissions, complying with AB32 and the County’s Climate Action Plan, etc.).

ERM-4.8 Energy Efficiency Standards (p. ES-8, etc.): This Policy says that 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.” **What determines “when feasible?” By how much will builders and developers have to exceed Title 24 standards in order to qualify for the incentives? How will these incentives be publicized? Which fees will be reduced? What kind of technical assistance will the County provide?** Requiring greater energy efficiency to be incorporated in renovations and new development, and incentivizing it, could help the County to reduce GHG emissions and comply with AB32 and its Climate Action Plan. **Please provide a clearer, stronger Policy, and concrete, measurable Implementation Measures for ERM-4.8.**

ERM Section 8.5 Recreation and Open Space Resources (GPR p. 8-14 ff)

Almost all of this section’s Policies and Implementation Measures are too vague and weak (“where feasible,” “shall consider,” “shall encourage,” “should encourage,” “shall work with,” “shall promote,” “shall support,,” “shall make efforts,” “will determine the best means,” “shall cooperate,” “should initiate,” “should consider”) **to serve as mitigating policies and implementation measures for the impacts described in the RDEIR. Please clarify and strengthen the Policies and provide them with concrete, measurable implementation measures. Most of the IMs for this section are shown as “ongoing.” Where are the results? How can their effectiveness be demonstrated?**

ERM-5.1 Parks as Community Focal Points (p. 8-14) and IMs # 40 and #41 (p. 8-30): Providing community center/recreation buildings to new and existing parks sounds like a fine Policy, but this is only “where feasible,”

which is not defined, and the IMs indicate that the County, on an ongoing basis, is passing the responsibility for carrying it out to local entities such as CSDs and developers. Prospects seem dim for our County parks: the Background Report (p. 4-3) indicates that the County is currently “not proposing any new parks due to budget restrictions for operation of the facilities.” There is no way to measure the success of this Policy or its IMs. The County should set specific goals for providing community center/recreation buildings to specific parks, with a timeline for targeting their completion. The Background Report provides no baseline information on existing community center/recreation buildings. It may be noted that, per Table 4-1 (pp. 4-4) in the Background Report, only 4 of the County’s 21 unincorporated communities (and none of the 11 hamlets) even have County parks, (although Bartlett Park is located 8 miles east of Porterville, and Allensworth State Park is about 7 miles from Earlimart, both too far for most visitors to access without driving; perhaps the residents of the hamlet of Allensworth visit the State Park. Allensworth, however, is a historical park, not a community focal point or recreational area).

IM#40 (p. 8-30) says the County will “encourage and assist” (how will the County do this?) local entities to assume parkland acquisition, development, operations, and maintenance. **Have any local entities done so? Does this apply to County parks? How does this promote the Goal of recreation related to Environmental Resources Management?**

IM#41 (p. 8-30) says “When appropriate” (please define or clarify), “based on the size of the development” (please define or clarify), “or if new 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.” This is characterized as a new program that is ongoing. **Have these districts been created? Are these public parks? Where are they? How do these districts help to achieve the Goal of recreation related to Environmental Resources Management?**

ERM 5.2 Park Amenities (p. 8-15): This is yet another fine-sounding Policy with no concrete plan indicated, and no way to measure the County’s success in providing these amenities. The only IMs are #40 and #41, discussed directly above. There appears to be no baseline information in the Background Report on these amenities, other than in Table 4-1 (pp. 4-4), which indicates that many of the County parks have reservable picnic areas and one has campsites. **Table 2 shows only one park, Mooney Grove, out of the total of 13 County parks, with additional amenities such as paddle boats, a playground, and baseball diamonds.** And, as noted directly above, in the ERM-5.1 comment, the great majority of the County’s unincorporated communities and hamlets have no County parks. **So how and when will the County provide a broad range of recreational opportunities within community parks?**

ERM 5-3 Park Dedication Requirements (p. 8-15): This is a much-needed Policy. **How and when shall the County “require the dedication of land and/or payment of fees to ensure funds for the acquisition and development of parkland” and other properties as development occurs?**

IM#40 and #41 (discussed above) are cited for this Policy, along with IM#42 (p. 8-30), which says that the 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.” This is shown as a New program with an ongoing timeline. **When will this park development impact fee be charged? To whom will it be charged? What is meant by “based on a level of service?” Why doesn’t this provide for ongoing maintenance as well? Please make this a more clear and concrete IM and clarify whether it is already in effect and creating new parks..** (The Quimby Act was enacted in 1975.) Parks are very important to public health, to tourism, to helping to mitigate heat island effects, to beautification, to runoff and stormwater management and groundwater recharge (if so designed); and, if well planted with native large-canopy trees, they can provide habitat and air cleaning and assist in achieving compliance with AB32 and the County’s Climate Action Plan.

ERM-5.4 Park-Related Organizations (p. 8-15): This Policy is too vague (“consider”) and has no IM other than #40 and #41, discussed above. **What are the “existing entities” referred to in this Policy? Once the County has “considered” these various possibilities for generating funds, what will it do to actually acquire and develop and maintain parklands and historical properties?** The County should ensure that no new development is permitted in the County without the creation of new parklands or the preservation of open space, achieved either by direct applicant development and maintenance of the park or by applicant’s payment of impact or mitigation fees to be used for the creation of a nearby accessible park or preserved open space area. The County should have a master plan included in its land use map and zoning for park and recreation and open space lands. These amenities enhance property values and quality of life and should be funded by those who benefit from them.

ERM-5.5 Collocated Facilities (p. 8-15): It’s wonderful to locate parks near public facilities and other attractions. **How will the County “encourage” this? Has the County no way to make this attractive vision a reality?**

ERM-5.6 Location and Size Criteria for Parks (pp. 8-15 and 8-16) and IMs #40, #41, #42, and #43: The Background Report seems to provide no baseline information on neighborhood Play Lots (Pocket Parks) or Neighborhood Parks. Thus, progress on the goals and policies and implementation measures for Recreation and Open Space Resources can’t be readily measured. The Report indicates that the County lacks Community Parks (only 4 of the 21 unincorporated communities and none of the hamlets appear to have County parks).

Although the County’s population is now well over 400,000, **we have no Regional Parks over 200 acres in size and only one large somewhat centrally located County park (Mooney Grove, 143 acres).** The largest County-owned park, beautiful Balch Park, is too far away in the mountains for most residents to visit it with any regularity at all. **The County desperately needs more large parks in the valley, where its population is, and where many people would not have to drive much, or preferably at all, to visit them.** The first guideline listed on p. 8-16 is that 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. In the 2008 version (p. 8-9) this was an overall standard of “*five to nine acres.*” **Why has the County changed this guideline? Given its rapidly increasing population and the huge costs of medical care for the long-term medical conditions plaguing its increasingly obese population, the County should ensure that County-owned improved parkland is increasing proportionately (and the land isn’t going to get cheaper, so it should be planned for and designated and funded now). The many other Environmental Resources Management values of such land should be factored in to its cost/benefit calculations.**

The County’s unincorporated population is currently probably well over 150,000, and growing every day. Table 4-1 in the Background Report (p. 4-4) shows a total of **less than 700 acres of County-owned parkland, already less than the minimum of 5 acres per thousand, and with no new parks proposed, per BR p. 4-3.** For the health and welfare of its residents, and to mitigate global warming and GHG emission impacts, and to work toward compliance with AB32 and its Climate Action Plan, **the County must implement effective, measurable programs to ensure a timely and significant increase in the number, type, size, and accessibility of County parks.** Page 8-15 of the GPR states that “Neighborhood play lots (pocket parks) are *encouraged* as part of new subdivisions applications.” **The County should require all developments to provide or contribute to the provision and maintenance of parks (see above comment on ERM-5.7).**

IM #42 Park Development Impact Fee (p. 8-30) states that the Board of Supervisors shall establish such a fee “as appropriate,” but has it actually done so? If so, when and where, and what are the results?

IM #52 Access to Suitable Recreation Land (p. 8-30): states that maximum efforts should be concentrated on acquiring recreation sites within one hour’s travel time from urban concentrations throughout the County. **Please revise to “. . . sites *within walking or cycling distance whenever possible, and within 10 to 15 minutes’* travel time from urban”** **The County needs recreation land and open space in or adjacent to its urban concentrations** to promote healthful activity for its residents, and for environmental benefits. Locating recreational lands distant from populations will discourage their use, especially as gas prices increase, and will add unnecessary VMTs for getting to recreation and open space lands; this will not help us achieve compliance with AB32 and the County’s Climate Action Plan. Also, urbanized areas need open space lands nearby for groundwater recharge, habitat, and runoff and stormwater management and flood control. What are the “maximum efforts” that “should be concentrated upon acquisition of these sites? **Please clarify what is meant by “sites that can be developed for intensive use?”**

Background Report Figure 4-1 Existing Parks (p. 4-5): Thank you for correcting the many errors that were on this map in the 2008 version.

ERM-5.7 Public Water Access (p. 8-16) and IM #40 and #41 (p. 8-30): Since the overwhelming majority of the County's residents live in and spend the overwhelming majority of their time in the desert environment of the valley, public access (well regulated so as not to abuse the resource and habitat) to water courses would be very desirable, as would acquisition of multi-purpose sites. **Which watercourses are being referred to here? This Policy must be strengthened beyond its vague "encourage" and armed with a concrete Implementation Measure showing how and when the County will acquire these access sites and rights (IM#40 and #41 do not seem to be very directly related to this Policy, and are too vague themselves).** Lakes Success and Kaweah, of course, are operated by the U.S. Army Corps of Engineers and already provide lake access, swimming, fishing, boating, hiking, and camping opportunities.

ERM-5.8 Watercourse Development (p. 8-16): In the 2008 version (p. 8-10), the County required a buffer of "at least 150 feet from the high-water line edge/bank." **WHY has the County reduced this buffer minimum to "at least 100 feet" in the current version?** Please restore this Policy to *at least* the 150 foot minimum, or, better yet, increase it to three hundred feet. **Major watercourses and their riparian areas are about the rarest and most endangered environmental resources in Tulare County, so the County should protect them as much as it possibly can. Please revise this Policy to indicate that a qualified resources conservation professional shall determine the necessary buffer parameters beyond the required minimum on a case by case basis, depending on the location, habitat, soils, etc. at the specific site. Avoidance is essential here; this environmental resource is now almost gone in Tulare County; there is no way to "mitigate" for the loss of any more of it. What "industrial uses" are being referred to here?**

IM#44 Shoreline Development Standards (p. 8-30): Please revise: "The County shall develop . . . such as . . . public access, and *requiring* protection of scenic and recreational assets. . . ." **Why does the County not currently have development standards regulating well drilling, location of septic tanks, building setbacks, lot sizes, and public access in conformance with Government Code Section 66478a? Septic tanks on shorelines and along water courses and waterways must be regulated right away, not in 2015, for public health and safety and environmental health and safety.**

ERM-5.9 Encourage Development of Private Recreation Facilities (p. 8-16): **Why should the County encourage private interests to establish new commercial recreation opportunities in the County? Since almost 30% of the County's population lives in poverty, why shouldn't the County encourage public recreation opportunities so that low income would not be a barrier? Please revise the second sentence: "The intensity . . . shall not exceed . . . and shall be compatible . . ."**

IM#40 and #41 don't really seem to apply to this Policy, but no others are listed. How would the County "encourage" private interests to establish commercial recreation opportunities?

ERM-5.10 Recreational Facilities for Special Use Groups (p. 8-17): Please revise to: "The County *shall ensure* the provision . . ." "Should" is not an adequate Policy statement. **IM #45 and IM #46 (p. 8-31)** are shown for ERM-5.10; neither relates directly to it, but both are important.

IM#45 requires developers who propose to build public recreation facilities to post bonds or cash deposits to ensure completion [**and it should say "and"**] to ensure long-term maintenance. This is shown as "ongoing." Is it required by Ordinance, or what? Have any developers built public recreation facilities and posted the bonds or deposits? If so, where are they? Are they being well-maintained? How effective has this implementation measure proven to be?

Please revise **IM #46** by changing each "should" to "*shall*" because "should" is not enforceable. Furthermore, "should initiate the development of a park master plan" does not implement anything. **This IM should be made clear and concrete:** "The County *shall develop* a park master plan." **This is especially important when the County plans to direct growth into the unincorporated communities and hamlets, since almost none of them have park facilities or nearby regional parks.** The County should work with experienced organizations such as The Trust for Public Land to help determine the needs of residents and visitors, and these stakeholders should be involved throughout the process. **Since over a quarter of the County's population is low-income or below (and a high percentage of these residents reside in the unincorporated County), and these residents cannot well afford to travel to recreational sites, it is indeed important to focus on providing for parks and open space in their communities, especially when these facilities could serve Environmental Resource Management priorities as well. Involvement of citizen and community stakeholders, and other concerned stakeholders, should be mandatory throughout the development of the park master plan.** The County should designate land use for future parks and open space on its land use maps now. **Figure 8-1 (GPR p. 8-7) currently seems to designate only agricultural lands and flood plains (other than the Federal lands) as open space, but aren't the agricultural lands and floodplains almost entirely privately owned and not open to public recreation? Are these lands being managed to preserve and protect sensitive habitats and cultural and archaeological sites, enhance biodiversity, promote healthy ecosystems, and serve the recreational needs of County residents and visitors?**

ERM-5.12 Meet Changing Recreational Needs (p. 8-17): While the recreational opportunities are excellent in the national and state forests and parks, they are generally remote from the County's main population centers, which are all in the valley. **Many residents cannot afford the time or gas required to visit these parks with any regularity at all, plus that's a lot of VMTs.** When I worked at Social Security in Visalia, I met many valley residents who had never visited the Federal lands in the County, and some who did not even know that we have National Parks and national forests in our back yard. **A good way to promote visitation would be to implement more public transportation, such as the Park Shuttle from Visalia, which would also reduce VMTs and help with AB32 compliance and compliance with the County's Climate Action Plan. Please clarify this Policy (how will the**

County “promote?”) and provide it with a concrete, measurable Implementation Measure. What is meant by “Changing Recreational Needs?” How are they changing?

ERM-5.13 Funding for Recreational Areas and Facilities (p. 8-17): Please clarify this Policy (how will the County “support” and “strive?”) and provide it with a concrete Implementation Measure.

IM #40 (p. 8-30) states that the County shall encourage and assist CSDs or other local entities to take over all functions related to parkland in established areas. **Does this mean that the County’s goal is to push this responsibility onto much smaller and less well funded local entities? “Support” means give it to someone else to do? What is the likely effect of this on the viability of our parklands and recreational areas?**

IM#41 (p. 8-30) talks about creating special districts to maintain parks and facilities.

IM#45 (p.- 8-31) says the County will require developers who propose to build parks to post financial assurances of completion and maintenance. **The Background Report and the RDEIR should be revised to discuss in much more detail the County’s current parks and open space and Environmental Resource lands, and the County’s current programs and also plans for creating and maintaining and funding publicly-accessible land for recreation. The current information is deficient and inadequate, as it does not properly inform the reader of existing conditions, proposed conditions, and the efficacy of current and proposed funding measures.**

ERM-5.14 Park Design (p. 8-17): Please clarify this Policy (what kind of efforts?).

The IM specified for it in the 2008 GPR (**IM #56, p. 8-20 in 2008**) was not closely related to ERM-5.14. This IM is now **IM#47 (p. 8-31)** and is no longer indicated as implementing ERM-5.14 (it now says it implements ERM-5.15). So, how will the County “make efforts” to involve community members in park design and development? Is it doing so now?

ERM 5.15 Open Space Preservation (p. 8-17) and IM #48 (p. 8-32): Preservation of open space is a high priority of Tulare County residents, important to the tourism industry, extremely important for recharging our hugely over-drafted groundwater basins, and also very important to global climate change and compliance with AB32 and the County’s Climate Action Plan. The only **Implementation Measures for Policy ERM 5.15** (other than the tangentially related **IM#40 and #41 on p. 8-30**) **are #47 (p. 8-31)**, which was formerly listed as implementing ERM-5.14, and **#48(p. 8-32)**.

IM#47 (p. 8-31) seems to state that the County has an ongoing program through subdivision and development approvals of acquiring scenic and open space easements, including wooded areas, flood plains, scenic and historic sites, and other recreation areas. **Please clarify this IM. Is this a mitigation program? Where can it be found? Where are the easements that have been acquired? Are they open to the public? Who manages these easements? How many acres of land have been put into such**

easements? **The Background Report and the RDEIR should provide a detailed discussion of this program and its effectiveness so that the reader can evaluate it as a mitigating and implementing measure.**

IM#48 (p. 8-32) was IM#57 in the 2008 GPR. The 2008 version stated that “The County’s existing open space land protection program, which is centered on implementation of the Williamson Act, shall be continued . . . “

The current version no longer states that the County’s program is centered on the Williamson Act program. Lands under the **Williamson Act, which is a State voluntary program for private landholders,** typically are not accessible to the general public because they are used almost entirely for private agricultural purposes(although some are contracted to preserve open space). The State of California has been regularly threatening over the past several years to stop its subvention program for Williamson Act contracts. The current IM says that the County “should consider” other tools, such as Transfer of Development Rights, as needed. Such programs are clearly needed now. What is the County’s plan to preserve open space without the Williamson Act? **“Should consider” is NOT an implementation measure. Please make this concrete and clear, with a definite timeline.** Many counties have implemented TDR programs. They also have development **mitigation programs** that require preservation of open space lands and **Oak Woodland Management Plans** that provide for voluntary conservation measures on private lands.

As discussed several times above, the **County must establish development impact mitigation programs and an Oak Woodlands Management Plan as soon as possible,** and should be using all the tools available to it to meet the priority goal of preserving and protecting meaningful portions of its open space for the public and for Environmental Resource benefits. Global climate change makes this especially urgent.

ERM 5-18 Night Sky Protection (p. 8-17): As previously stated, given the need to save energy and reduce GHG emissions, the benefits of preserving visual access to the wonder of our night sky, the advantages of preventing light trespass, the benefits to wildlife and to human health, and the fact that local astronomers and many residents support it, **the County should promptly adopt and implement International Dark-Sky Association “Dark Skies” lighting design and fixtures standards (readily available on the web) for all new and renovated exterior lighting. The best means to protect visibility of the night sky (and to provide the other important benefits) is to promptly adopt an ordinance requiring that these standards be met. This Policy should be made clear and strong, with a definite course of action. It should be provided with a timely, concrete Implementation Measure so that these Environmental Resources (and human health and our rural character) will be protected.** (The only IM presently referenced is #40, which has almost nothing to do with this Policy.)

ERM-5.19 Interagency Cooperation (p. 8-10): This duplicates Policy ED-5.14. Per Matrix p. 193, #2, this Policy was to be moved to Economic Development. It's been moved, but has not been deleted here. **What is meant by "develop and promote the establishment of Three Rivers and Springville as gateway communities?"** Aren't these communities established as gateways already by their geography? **How will they be developed and promoted? How will the County "cooperate" in this effort? What is its intent, and how does it serve the Goal of providing parks, recreation, and open space to serve the needs of County residents and visitors, with emphasis on recreation related to Environmental Resources Management (p. 8-14, ERM-5)?** This Policy is so vague as to be meaningless. **Please clarify it and provide it with a useful IM.**

8.6 Cultural Resources (GPR p. 8-18 ff)

ERM-6.2 Protection of Resources (GPR p. 8-11 and RDEIR p. ES-10, etc.): Thank you for revising this Policy in the RDEIR (as a Required Additional Mitigating Policy) from "should encourage . . . protection" to "shall protect," and adding "as determined by a qualified archaeological professional." This change should be referenced in the GPR. IM #49 (p. 8-32) should help, once the provisions are incorporated. Haven't these measures been required for years by State and Federal regulations?

ERM-6.3 Alteration of Sites with Identified Cultural Resources (GPR p. 8-18 and RDEIR p. ES-10, etc.): The RDEIR lists this Policy as a "Required Additional Mitigating Policy," but it is exactly the same as the Policy statement is the 2008 and 2010 GPR except that in the second sentence one word has been changed: "Development *should* be permitted" has been changed to "Development *can* be permitted." "Should" is not a Policy statement. **In the first sentence, please change "should" to "shall."** In the second sentence, please change "should" or "can" to "shall." The RDEIR version will not suffice as a mitigating or implementing policy or measure. IM#49 should have been incorporated years ago into the County's development regulations, in order to comply with State and Federal law.**ERM-6.5 Cultural Resources Education Programs (p. 8-19):** This Policy of "should support" programs, with no IM, is too vague and unsupported to be measurable or enforceable; **it should be strengthened and clarified and given a concrete Implementation Measure.** How *shall* the County support these programs? No IM is listed for this Policy to give it any effect.

ERM-6-6 Historic Structures and Sites (GPR p. 8-19 and RDEIR p. ES-11, etc.) and IM #50 (p. 8-32): Although not so noted in the GPR, this Policy has been revised in the RDEIR as a Required Additional Mitigating Policy and Implementation Measure. At the end of the first sentence of the Policy in the RDEIR, "sites and parks" have been added after "historical structures." This is a good addition. A second sentence has been added in the RDEIR: "Where applicable, preservation efforts shall conform to the current Secretary of the Interior's

Standards” However, this Policy still is far too vague, as it gives no idea of how the County “shall support” these preservation efforts.

The “shall support” of the Policy has an IM (#50, GPR p. 8-32) stating that the County “should” establish a committee, with a Timeframe that has been changed from” Ongoing” in the 2008 version to 2010-2015 in the current version. Is this to imply that the County should have established this committee for quite some time, but it hasn’t yet, but it “should” do so in the next 5 years? Please change “should” to “shall.” “Should” is NOT implementing language. The last bullet of this IM indicates that the committee would “determine appropriate locations . . . as a Certified Local Government.”

The Background Report (BR p. 9-45) states that the County is NOT a Certified Local Government, at least as of September, 2004. Does the County intend to apply for certification as a CLG? Please make this an enforceable, effective, and convincing IM. The way it is presently written, it will not effect any mitigation or implementation for impacts identified in the RDEIR.

The RDEIR (p. ES-11, etc.) goes on to list as Required Additional Mitigating Policies and Implementation Measures three apparently new Implementation Measures, 55A, 55B, and 55C, which it does not directly connect to any particular Policies. These IMs are not mentioned in the GPR. ERM IM #55A Archaeological Resource Surveys (RDEIR p. ES-11, etc.) states that the County shall determine the need for a project applicant to have a qualified archaeologist to conduct specified activities prior to project approval involving ground disturbance or demolition of a potentially historic building. Please clarify how the County shall determine the need and what will happen if the ground or building is determined to be historic.

ERM IM #55B Discovery of Archaeological Resources (RDEIR p. ES-11, etc.): Is #55B intended to modify or replace IM#49 (GPR p. 8-32), which says that the “County shall incorporate provisions into development regulations that in the event archaeological resources are discovered?” In #55B, please change “will” to “shall” in the second sentence. In the third sentence in #55B it appears that project design approved prior to archaeological discoveries takes precedence over the discoveries, and that the archaeologist or paleontologist’s recommendations will not be considered “feasible” if they conflict with the previously approved project design. What factors will be weighed in determining what is “feasible?” Please revise this IM to give greater weight to the importance of unique or significant archaeological and paleontological resources. Dealt with respectfully and sensitively, they could actually significantly increase property values and residents’ identification with and interest and pride in their heritage.

ERM IM#55C Discovery of Human Remains (RDEIR p. ES-11, etc.): This measure has been required by State law for many years, so the County should already have been requiring these steps during any construction project. Please change “should” in the second sentence to “shall”: “. . . the following steps shall be taken,” so that the implementation is mandatory, not discretionary; otherwise, this will not suffice as an Implementation Measure for the RDEIR..

ERM-6.7 Cooperation of Property Owners (p. 8-19): This Policy should be clarified and strengthened and should include a concrete, measurable IM. **“Should encourage” is not a Policy statement. There is no IM.**

8.7 Soil Resources (GPR p. 8-19 ff)

ERM-7 Soil Resources (p. 8-19): Please revise to: “To preserve . . . for . . . timber *and habitat* productivity and to protect . . .”

ERM-7.1 Soil Conservation (p. 8-19) and IM #52 (p. 8-33): The title of this Policy should be changed to “Soil Conservation, *Protection, and Sustainability.*” **The Policy should be expanded and clarified to cover not just the traditional idea of soil conservation (e.g., implement best practices to keep it from blowing away or being washed away), but also to protect it from the introduction of harmful chemicals (e.g., herbicides and pesticides, nitrates and ammonia, etc.), compaction, salinization from improper irrigation, degradation and desertification from overgrazing, etc.** Urbanization, industrialization, mining, and transportation systems impact soils far more permanently than agriculture. Healthy land, air, and water are the irreducible requirements for human sustenance and quality of life.

Please strengthen and expand IM #52 (p. 8-33) to include these concerns and to ensure that the County’s standards will be sufficiently comprehensive and enforceable to ensure conservation, protection, and sustainability. IM#52 (“County shall adopt standards”) was to have been implemented in 2007-2010 (in the 2008 GPR, p. 8-21). Now the timeline is 2010-2015. These important standards are long overdue. **How can these Timelines be relied on for mitigation and implementation for the impacts identified in the RDEIR?** (Note that “alternations” in this IM should be “alterations.”) **Another key implementation measure for this Policy should be to strictly limit greenfield development in the County, confining all new development to within existing UDBs and the new HDBs.** To preserve our soils, we need to implement and enforce highly efficient and responsible land use practices. The County should also **minimize the construction of new roads, focusing on compact development and public transit;** new roads create a tremendous amount of soil compaction and feed many contaminants into the soil from vehicular traffic.

ERM-7.2 Soil Productivity (p. 8-19): Please see and incorporate for this section also the comments on ERM-7.1 and IM #52 directly above. The comments apply to both conservation and productivity of soil.

ERM-7.3 Protection of Soils on Slopes (p. 8-19): **This Policy should be revised (or another Policy should be added) to protect soils on slopes by also limiting the percentage of the area of the slope that can be graded in order to**

prohibit, for example, switchbacking roads or driveways that remove or degrade from its natural condition and/or function more than 20% of the total surface of the affected slope. **Under what circumstances would the General Plan provide for building and road construction on slopes of more than 30%? How can soils be effectively protected on such slopes** if building and road construction are allowed?

IM#54, p 8-33: “The County shall work with funding sources and organizations . . . to provide resources to implement the plans and programs of the Environmental Resources Management Element.” How will the County work with these organizations? For example, in 2009, Sequoia Riverlands Trust and TCCRG offered to write an Oak Woodlands Management Plan for the County, so that funding could be applied for on a voluntary basis by landowners wishing to conserve oak woodlands on their property. The County said that would be a priority. The date for working on an OWMP has now been changed from 2010-2015 in the 2008 GPR to 2015-2020 in the current version. **What is meant by “work with?”**

9. AIR QUALITY (GPR p. 9-1 ff):

Global climate change, the health and welfare of its citizens, the health and sustainability of its flora and fauna, and the requirements of AB32 and its Climate Action Plan necessitate the County’s taking a bold, pro-active leadership role in addressing this issue, which is a the top priority of the people.

KEY TERMS (GPR p. 9-1 ff):

Please include in the definitions of the Key Terms sufficient factual and consequential information to enable readers to understand why the terms are being discussed and why the General Plan must promptly and forcefully address Global Climate Change, Global Warming, and Greenhouse Gas Emissions. Most General Plan readers will never read the Background Report and the EIR. They need to find relevant information for understanding and decision-making in the GPR. (The Background Report and EIR are also deficient in these respects, as will be discussed in more detail below.)

It is imperative that the General Plan disclose and discuss the effects on human and environmental health, and on the economy, of poor air quality in general and of key pollutants in particular, and that it also fully discuss the effects of pollution on crop production, tourism, health care, and other sectors of the economy, and that it adopt and implement all feasible mitigating policies and implementation measures (which are to be reflected in our GPR’s Policies and Implementation Measures) to address the costs and consequences of air pollution and GHG emissions.

These comments on the GPR definitions and Air Quality/Climate Change discussion apply also to those in the Background Report and RDEIR, which tend to be just as lax as those in GPR in terms of providing clear, consequential meaning and discussion, so that the reader understands their significance. The Background Report and the RDEIR are seriously inadequate and deficient in disclosing the nature, extent, and significance of these impacts, and the GPU and RDEIR are seriously inadequate and deficient in providing Policies and Implementation Measures that will meaningfully and effectively address these impacts. They must be extensively revised to address these most urgent matters that so profoundly impact Tulare County's quality of life, economy, and environment.

Carbon Dioxide (CO₂) (p. 9-1): This definition was written in the 2008 version so as to give the impression that human-caused emissions of CO₂ as a GHG are virtually insignificant and therefore need not be addressed. This is dangerously and irresponsibly deficient and misleading information. Thank you for improving the definition in the current version.

This Key Term's definition must be re-written to meaningfully address the significance of CO₂ as a GHG and agent of global warming. The point is that until recently Earth's CO₂ was in balance; over the last dozen or so decades, burgeoning human population, industrialization, conversion of natural lands, and burning of fossil fuels has emitted so much CO₂ that it has begun to throw the Earth's CO₂ system out of balance, resulting in accelerating climate change (global warming) that will drastically impact human comfort, health, livelihood, and even survival all over the planet (not to mention all the other living things on board). Human civilization has evolved and thrived under a climate regime that has been relatively stable for over 650,000 years. In the last few decades change has occurred far beyond the bounds of any previous change in that 650,000 year period, and human activities are contributing significantly to that change. The effects of that change are already impacting Tulare County. (See Global Warming definition below for additional information.)

Carbon Monoxide (p. 9-1): Please add to this definition the following information so that the reader may understand WHY CO is being discussed: "Carbon monoxide reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system; it impairs vision, causes dizziness, and can lead to unconsciousness or death." Why has the more detailed source information for CO that appeared in the 2008 GPR been deleted? Please restore it.

Class 1 Designation: Why has this definition been deleted? It appeared on p. 9-1 in the 2008 version and is important information of Tulare County, which hosts two national parks and extensive wilderness areas. Please restore this definition to the current GPR.

Climate Change (p. 9-1): Please revise this vague and dry definition, which seems designed to disguise and diffuse the significance of this phenomenon. This definition must state that Global Climate Change is occurring because of persistent anthropogenic changes to the composition of the atmosphere, namely the increase of GHG emissions, which has thrown Earth's atmosphere out of balance.

Please add a Key Term (p. 9-2) and discussion as follows: "Costs of Poor Air Quality: Many studies have shown the costs of poor air quality in our area, as indicated by the following examples: A recent CSU Fullerton study showed that the health-related impacts of air pollution drain the San Joaquin Valley's economy of **\$6 billion every year**. That's the cost of shortened life spans, hospitalizations, job absences, school absences, and other economic and health effects of the region's chronically poor air quality.

The Valley's annual school absenteeism due to asthma totals about 808,000, accounting for **lost revenue to regional school districts** of at least \$26 million annually (not to mention the students' lost learning days). The financial **cost of asthma** to four Valley cities alone exceeded \$85 million per year (this is not to mention the suffering of those afflicted with asthma).

The study found that every resident in the San Joaquin Valley is exposed to life-threatening pollutants on a regular basis, and the cost of air pollution in the San Joaquin valley exceeds \$1600 per person per year.

According to the Air District, ozone pollution causes as much as \$270 million a year in damaged agricultural crops in the Valley. Harvests of crops such as grapes, cotton, tomatoes, oranges, and alfalfa can be reduced 10-20% as a result of air pollution.

In California, respiratory illnesses caused or exacerbated by airborne particulate matter are responsible for 9,300 deaths, 16,000 hospital visits, 600,000 asthma attacks and 5 million lost work days each year, costing **more than half a billion dollars a year**. A recent analysis of diesel particulate matter pollution attributed approximately 3,000 premature deaths per year to this pollutant alone, with about 260 of those deaths occurring in the SJV. One hundred percent of the residents of Tulare County are exposed to PM 2.5 annually.

A recent study by the RAND Corporation showed that between 2005 and 2007 Medicare spent an estimated \$104 million, Medi-Cal spent about \$28 million, and private health insurers spent about \$56 million in this period on hospital care *because California failed to meet federal clean air standards*.

Our **national parks**, forests, and monuments suffer from the poor air quality we create with our GHG emissions. Sequoia and Kings Canyon National Parks have been listed as among the five most polluted national parks in the country, and in the past several years have had more days exceeding the federal health standard for ozone than any other National Park Service unit in the country. This poor air quality and often greatly reduced visibility negatively affect **tourism**, not to mention the health of our parks and their hundreds of thousands of annual visitors.

Our **national parks**, forests, and monuments suffer from the poor air quality we create with our GHG emissions. Sequoia and Kings Canyon National Parks have been listed as among the five most polluted national parks in the

country, and have had the second highest annual average ozone level of any national parks. This poor air quality and often greatly reduced visibility negatively affect **tourism**, not to mention the health of the parks.

Economic development and business recruitment will be difficult in an area plagued by unhealthy air quality. If we do not succeed in implementing programs to reduce emissions from mobile sources, then we will have to reduce the emissions from job-producing stationary sources. If we do not attain air quality standards, then Federal sanctions may be imposed that limit stationary source expansion (which could make most industrial expansion prohibitively expensive) and withhold highway funds. **The great challenge is to drive less, so we must plan, develop, and manage our communities to make it easy for people to walk, bicycle, or use public transit."**

This information should be added here to the Key Terms section and/or discussed elsewhere in the Air Quality element and must also be included in the Background Report and the EIR. Information about the costs of poor air quality is critical to understanding the issue and to policy-making and evaluating mitigation measures and effective implementation measures. **The EIR and the Background Report are deficient because they contain no discussion of the costs of poor air quality.** (Table 6-1 on pp. 6-6 – 6-7 of the Background Report does briefly note some of the adverse health impacts of air pollutants.)

Global Warming (p. 9-2): Although it has been revised, this continues to be an insufficient and misdirected definition of global warming that must be almost completely rewritten in order to make it accurate and relevant. **Please include the following** or comparable statements of findings by the legislature of the State of California, the IPCC, the State Attorney General, and the California Climate Change Center:

"Overwhelming evidence establishes that global warming is occurring and is caused by human activity. Global warming poses a serious threat to the economic well-being, public health, natural resources, and environment of California. Temperatures are expected to rise 4.7 to 10.5 degrees by the end of this century. These increases will have serious consequences, including the exacerbation of air quality problems, a reduction in the quality and supply of water, a shrinking Sierra snowpack, an increase of as much as 55% in the risk of large wildfires, increased stress on the state's vital resources and natural landscapes, an increase in human health-related problems (including increased incidences of infectious diseases, asthma, heat stress and heat-related deaths), damage to agriculture (from increasing heat, pests, pathogens, and weeds), wine making, tourism, skiing and other winter recreation, forestry, and fishing, and a potential reduction in hydropower. It will also cause a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, shrinking beaches, and increased coastal floods. **The existence of global warming is indisputable, it is causing significant environmental impacts in California, and it will cause future catastrophic impacts if greenhouse gas emissions levels are not substantially reduced."**

This information must also be included in the Background Report (see, e.g., p. 6-31, which presents only a watered-down, version of some of this information).

Greenhouse Effect (p. 9-2): Please revise to state that the concentration of GHG *is* rising and *is* causing the average temperature to increase, which is causing significant environmental impacts in California, and will cause future catastrophic impacts if GHG levels are not substantially reduced.

Greenhouse Gas (p. 9-2): Please add this or a comparable statement to aid the reader's understanding of the relevance of this definition:

"In June, 2005, the Governor of California issued Executive Order S-3-05, setting emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce emissions to 1990 levels; by 2050, reduce emissions to 80% below 1990 levels. In September, 2006, California's Global Warming Solutions Act (AB32) was signed into law, requiring reduction of California GHG emissions to 1990 levels by 2020. It should be noted that about 80% of California's CO₂ equivalent GHG emissions are emissions of CO₂ from fossil fuel combustion. In the unincorporated area of Tulare County, 63% of GHG emissions come from confined animal facilities, such as dairies and feedlots. See page 9-4 for additional information."

Please add to Key Terms on p. 9-2: "Methane. Methane accounts for approximately 5.7% of all GHG emissions in California, and half of the State's methane emissions comes from livestock and manure. Methane is a powerful GHG that has 21 times the global warming potential of carbon dioxide. Livestock and their manure emit GHGs equivalent to 13.2 million tons of carbon dioxide each year in California."
[From letter by State Attorney General to RMA, dated 2/26/07, re NOP for Buena Vista Dairy]

Sulfur Dioxide (H₂S) (p. 9-2): Please add: Sulfur dioxide levels are generally highest near large industrial complexes. Exposure to very high levels may cause wheezing, chest tightness, and shortness of breath. Long-term exposure can cause respiratory illness, alter the lungs' defense mechanisms, and aggravate existing cardiovascular disease."

Lead (Pb) (p. 9-2): Please add: "Since the phase-out of leaded gasoline, metals processing is the major source of lead emissions to the air today, with the highest levels generally found near lead smelters; other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Lead can enter water systems through runoff and from sewage and industrial waste streams and is still found at high levels in urban and industrial areas; it deposits on soil and in water and harms animals and fish, and particularly affects young children and infants, causing learning deficits and lowered IQs. Exposure to lead causes damage to the kidneys, liver, brain, nerves, and other organs, and may lead to osteoporosis and

reproductive disorders; it causes high blood pressure and increases heart disease, and may lead to anemia. Excessive exposure causes seizures, mental retardation, behavioral disorders, memory problems, and mood changes. Low levels of lead can slow vegetative growth near lead sources. Wild and domestic animals can ingest lead while grazing, or may ingest it when feeding on animals killed by lead bullets; they experience the same kind of effects from exposure as people do.”

Mobile Source (p. 9-2): Please add: “Mobile emission sources account for a very significant percentage of CO₂ GHG emissions, so we must focus on these sources in our efforts to combat global warming and air pollution. In the San Joaquin Valley, emissions from mobile sources such as cars, trucks and equipment represent almost 70% of the air pollution challenge. In just 20 years, the Valley’s population has grown by 60%, and daily vehicle miles traveled has increased by 150%.”

Nitrogen Oxides (NO_x) p. 9-2): Please add: “The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels (natural gas burning appliances used for space heating, water heating, and cooking are a source of NO_x emissions, and our consumption of electricity also causes pollutant emissions from the operation of power plants fueled by fossil fuels). **NO_x causes a wide variety of health and environmental impacts** because of various compounds and derivatives in the family of NO_x, including **NO₂, nitric acid, nitrous oxide, nitrates, and nitric oxide**. NO₂, a common pollutant, forms, along with air particles, a reddish brown layer that can often be seen over many urban areas. **Ground-level ozone (smog)** is formed when NO_x and VOCs react in the presence of sunlight. **Children, people with lung diseases such as asthma, and people who work or exercise outside are susceptible to adverse effects such as damage to lung tissue and reduction in lung function. Ozone also damages vegetation and reduces crop yields. Nitric acid** affects breathing and the respiratory system, damages lung tissue, and can cause premature death; small particles penetrate deeply into the lungs, causing or worsening respiratory diseases such as emphysema and bronchitis, and aggravating existing heart disease. **Nitrous oxide** is a Greenhouse Gas, contributing to Global Warming. NO_x reacts readily with common organic chemicals and even ozone to form a wide variety of toxic products, some of which may cause biological mutations. **Nitrate particles and NO₂ can block the transmission of light, reducing visibility** in urban areas and on a regional scale in our national parks, forests, and monuments.”

Ozone (O₃) (p. 9-2): Please add: “Ozone occurs both in the Earth’s upper atmosphere (beneficially) and at ground level (unhealthfully, due to air pollutants). **Ground level ozone affects people of all ages who are active outdoors, and particularly children**, because during physical activity ozone penetrates deeper into the more vulnerable parts of the lungs. Ozone can cause itchy, watery eyes; irritate the respiratory system, causing coughing, throat irritation, and chest discomfort; ozone can reduce lung function, making it

more difficult to breathe deeply and vigorously; aggravate asthma; and make people more sensitive to allergens and more susceptible to respiratory infections; repeated exposure to ozone can permanently scar lung tissue, resulting in permanent loss of lung function and a lower quality of life. Respiratory illnesses, asthma attacks, and impaired lung function and growth lead to emergency room visits, hospitalizations, and premature death. In its State of the Air 2010 report, the American Lung Association gave Tulare County a grade of 'F' for ozone pollution in 2006-2008 because the County had 253 days that were rated on the Air Quality Index as 'unhealthy for sensitive groups' (children, the elderly, active adults, and people with respiratory disease such as asthma – these groups comprise well over half of Tulare County's population), 49 days that were rated 'unhealthy' for everyone, and 2 days that were rated very unhealthy due to high ozone levels.

O3 Precursors (p. 9-2): Please add: *"The Federal Clean Air Act mandates us to reduce emissions of ozone precursors by at least 3% per year until air quality standards are attained."* [per SJVAPCD]

Please add: "Particle Pollution (p. 9-3): Short-term particle pollution can kill, on the day that particle levels are high, or within one to two months afterward. These are deaths that would not occur if the air were cleaner. Scientists at the California Air Resources Board have tripled their estimate of the number of deaths occurring in California each year from particle pollution: they now put the range between 5,600 to 32,000 deaths per year. Particle pollution also diminishes lung function, causes greater use of asthma medications and increased rates of school absenteeism, emergency room visits, and hospital admissions. Particle pollution causes heart attacks, strokes, heart disease, and congestive heart failure, worsened asthma, worsened COPD, and inflammation. The elderly, people with heart disease, children, diabetics, and women over 50 are at higher risk, along with workers whose jobs routinely expose them to heavy diesel exhaust. Studies show that living near highways is especially dangerous. The American Lung Association gave Tulare County a "Fail" rating for High Particle Pollution Days, 2006-2008, with 43 days rated unhealthy for sensitive groups (children, the elderly, persons with existing lung [information from American Lung Association State of the Air 2010] disease – these groups comprise well over half of Tulare County's population) and 2 days as unhealthy for all."

Particulate Matter 2.5 Micrometer (PM2.5) (p. 9-3): Please add: "PM 2.5, also known as soot, is expelled from tailpipes, factory smokestacks, farm equipment, agricultural burning, dust, and other sources. Particle pollution includes a mixture of solids and liquid droplets, some emitted directly while others are formed in the atmosphere when other pollutants react. When inhaled, because of its small size, it can penetrate deep into the lungs; it is linked to severe asthma and premature deaths from heart and lung disease. Particle pollution also can increase susceptibility to respiratory infections and can aggravate existing respiratory diseases, such as asthma and chronic bronchitis, and heart diseases such as congestive

heart failure and coronary artery disease, and triggers heart attacks, strokes, and irregular heartbeat, increasing emergency room visits, hospitalizations, and premature deaths. Particle pollution is the most dangerous, and deadly, of the widespread outdoor air pollutants. It also reduces visibility and may cause soiling of surfaces.”

Particulate Matter 10 Micrometers (PM10) (p. 9-2): Please add: “Particle pollution (particulate matter) in the air includes a mixture of solids and liquid droplets, some emitted directly, others formed in the atmosphere when other pollutants react. Their sources include combustion, industrial and agricultural fumes, and dust. Particles smaller than 10 micrometers in diameter (PM 10) are so small that they can get into the lungs, increasing susceptibility to respiratory infections and aggravating existing respiratory diseases. People with heart or lung diseases – such as congestive heart failure, coronary artery disease, asthma, or chronic obstructive pulmonary disease, when exposed to particulate matter, are more likely to visit emergency rooms, be admitted to hospitals, or even to die

Please add as a Key Term (p. 9-3): “Pesticides. Pesticides are the fourth biggest cause of air pollution, or “smog,” in the San Joaquin Valley. Tulare County used more than 17.5 million pounds of pesticides in 2005, the third highest use of any county in California. Pesticides can cause immediate poisoning, cancer, Parkinson’s disease, birth defects, sterility, neurotoxicity, and permanent, irreversible damage to developing children; pesticides can aggravate asthma and other respiratory problems. Over 90% of pesticides used in California drift very easily away from where they are applied. For example, pesticides drifting from the Valley are degrading the resources in Sequoia and Kings Canyon National Parks.”

ROG (p. 9-3): Please add: “ROG is the abbreviation for Reactive Organic Gases, which result from combustion, industrial solvents, and biological and agricultural sources, including animal waste, agricultural chemical formulations, and other combustion. Dairies are presumed to be significant emitters of ROGs.”

Sensitive Groups (p. 9-3): Please add: “The Valley has the highest child asthma rate in California; up to 1 in 5 Valley children suffer from asthma and up to 1 in 8 adults, and there are more than 1200 premature deaths each year in the Valley due to particulate matter pollution. Thirty-four percent of Tulare County’s population is under age 18, and 13% is age 65 and older, totaling 47%; this doesn’t count the tens of thousands of individuals in between these age groups who have respiratory problems.”

Stationary Source (p. 9-3): Please add *agricultural irrigation pumps and confined animal facilities, such as dairies and feedlots* , as they are significant sources in Tulare County.

Transportation Conformity (p. 9-4): Please revise this definition, which is confusing, as follows:

“Transportation Conformity is required by the Clean Air Act to ensure that Federal funding and approval are given to highway and transit projects that conform to the air quality goals established by a State Air Quality Plan (SIP). Conformity means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. This requirement connects air quality and transportation planning.”

Existing Conditions Overview (p. 9-4): Please add: In a list of the 25 U.S. Cities Most Polluted by Short-term Particle Pollution (24-hour PM2.5), in 2008, the Visalia-Porterville Metropolitan Statistical Area ranked 8th; it ranked 3rd in the 25 Cities Most Polluted by Year Round Particle Pollution (Annual PM2.5) and Most Ozone-Polluted Cities. In the same categories of the 25 U.S. Counties Most Polluted, Tulare County ranked 9th, 5th, and 4th. [see CARB website and American Lung Assn.] “Tulare County experiences some of the worst health conditions in the state, with avoidable hospitalizations about 20% higher than the statewide average, including diagnoses of asthma, COPD, congestive heart failure, diabetes mellitus, and hypertension [*Health in the Heartland: The Crisis Continues*]. Our vehicle-oriented development contributes hugely to greenhouse gas emissions and lack of exercise, which lead to medical problems. Our incidence of asthma is as high as one in five affected.”

Existing Conditions Overview (p. 9-4):

PM2.5: Please amend: “Tulare County is in non-attainment with federal standards, *and also exceeded the State 3-year maximum average on 23 days in 2004, 20 days in 2005, and 20 days in 2006.* Please add: “In a list of the 25 U.S. Cities Most Polluted by Short-term Particle Pollution (24-hour PM2.5), in 2008, the Visalia-Porterville Metropolitan Statistical Area ranked 8th; it ranked 3rd in the 25 Cities Most Polluted by Year Round Particle Pollution (Annual PM2.5) and Most Ozone-Polluted Cities. In the same categories of the 25 Counties U.S. Counties Most Polluted, Tulare County ranked 9th, 5th, and 4th”

The second paragraph of the Overview (p. 9-4) states that ROG from natural sources (mainly from trees and plants) is the largest source of ROG in Tulare County. This does not take into account the significant air cleaning and carbon sequestering effect of trees and plants, a virtue not shared by mobile sources of ROG. Please mention this compensating factor, so that readers won't be led to think that we need to get rid of our trees and plants.

Existing Conditions Overview (p. 9-6, last paragraph): The problem with the “featured policies and implementation measures” is that while they often sound good (such as by using attractive terms such as “smart growth” and “healthy communities”) they are far too often vague, weak, and unenforceable; too often they do not even have implementation measures, and far too many of the implementation measures that are presented are not concrete, not measurable, and/or not to be timely effectuated; thus they are unlikely to

enable the County to effectively “comply with State law requirements” and to “enhance the quality of life and public welfare of County residents.” Please see comments on individual policies and implementation measures throughout the GPR.

It is very misleading, for example, to state here that “some of the featured policies direct growth into compact areas such as urban development boundaries or corridors,” when the County is proposing development in many areas *outside* of current urban development boundaries, creating new hamlet development boundaries, proposing new development along all our highways, and providing for entire New Towns. Many of these don’t appear to be compact areas at all, and the County’s proposed average densities are extremely low.

Please clarify, strengthen, and make measurable and enforceable these policies and implementation measures. Additionally, somewhere in the Air Quality element, perhaps in the Existing Conditions Overview, or else in the policy portion, **the GPR should discuss and address the impacts of agriculture on air quality.** The Air Quality Element deals with Regional Perspective, Transportation Design, Land Use/Design, and Air Pollution Control, but never mentions agriculture directly. SB 700 and the County’s ACFP and its DSPEIR should be mentioned in this Element.

SB 700 states that:

“Agricultural operations necessary for growing crops or raising animals are a significant source of directly emitted particulates, and precursors of ozone and fine particulate matter. These emissions have a significant adverse effect on the ability of . . . the San Joaquin Valley to achieve health-based state and federal ambient air quality standards. . . . agricultural sources of air pollution still contribute twenty six percent of the smog-forming emissions in the San Joaquin Valley. In the San Joaquin Valley, a large portion of the sources of particulate emissions are areawide sources whose emissions are directly related to growth in population and the resulting vehicle miles traveled. According to the State Air Resources Board, however, agricultural sources of air pollution account for over fifty percent of the directly emitted particulate air pollution generated in the valley during the fall, amounting to over 170 tons per day of emissions.

All parties living or operating a business in an area that has been classified as being a nonattainment area with respect to the attainment of federal or state ambient air quality standards share the responsibility of reducing emissions from air pollutants. . . . It is therefore the intent of the Legislature to . . . to regulate stationary, mobile, and area sources of agricultural air pollution. . . . Each district that is designated as a serious federal nonattainment area for an applicable ambient air quality standard for particulate matter as of January 1, 2004, shall adopt . . . a rule or regulation requiring best available control measures (BACM) for sources for which those measures are applicable and best available retrofit control technology (BARCT) to reduce air pollutants from sources for which that technology is applicable for agricultural practices, including, but not limited to, tilling, discing, cultivation, and raising of animals, and for other source categories by the earliest feasible date, but not later than January 1, 2006.”

Tulare County benefits from agriculture, but agriculture also costs the County. As a significant contributor to our air quality problems and our GHG emissions, **agriculture must be discussed in the Air Quality Element, and the GPR must indicate what policies apply to this industry.** With well over a million head of dairy cows projected for Tulare County in the near future (ACFP DSPEIR, Table 3-14a), the dairy industry alone, just one part of the County's agricultural sector, will have a huge adverse impact on our air quality.

Agriculture's effects on air quality and GHG emissions must also be discussed in the Background Report and the RDEIR. These documents are inadequate and deficient without this information, and the impacts must be made clear in order to be effectively addressed by the RDEIR and the GPR.

AQ-1.1 Cooperation with Other Agencies (p. 9-7): This Policy is extremely vague. **It should state how the County "shall cooperate" with other agencies to develop and implement air quality plans and how it "shall partner" with other agencies to achieve better air quality conditions.** Is the County taking an active role? We have heard a sitting member of the Board of Supervisors state that air quality is the Air Board's job. **This General Plan Update provides a very important opportunity for the County to develop and implement a plan that will achieve better air quality conditions, but the GPU is clearly not focused on this objective, which is also critical to achieving "better air quality conditions locally and regionally."**

Instead of directing new growth and development into existing urbanized areas where jobs, infrastructure, and services already exist, this GPU promotes development all along our County's highways and allows New Towns to be built apparently almost anywhere. This type of development will unnecessarily convert agricultural and open space lands to urbanization, unnecessarily increase VMTs and GHGs, and do nothing to promote public and active transit.

This GPU makes no sustained, strong, consistent effort to comply with AB32, SB375, the County's Climate Action Plan, or the people's highest priorities, nor does it make a strong, good faith effort to cooperate in the regional effort to create transit-friendly, compact, walkable, infill development that will help to improve air quality in the Valley air basin that it shares with 7 other counties (its nearest neighbors, Kern and Fresno, being close competitors for having the worst air quality in the nation).. Its proposed average density standard of 5.3 du/acre, for example, is half-hearted and should be raised to the Regional Blueprint average of 6.8 du/acre or better.

IM#1 (p. 9-11) says the County will work with TCAG to develop an "enhanced public information program aimed at reducing trips and improving air quality awareness." **This measure was evidently proposed by Resolution in 2004. It was scheduled for implementation in 2007-2010 in the 2008 version. It is now scheduled for implementation in 2010-2015. This evidences very little determination on the County's part to educate and influence the public. The County should be leading by example in this area, implementing in its own operations trip reduction and emissions reduction, and publicizing its success. The GPU process offers an excellent opportunity to inform the**

public, but the County is not publicizing it, and the GPU itself is not well aimed at reducing trips and improving air quality awareness.

IM#2 (p. 9-11): As for cooperation with other agencies and jurisdictions, why has the County deleted the IM that was #2 in the 2008 GPR (p. 9-8)? The former IM#2 said, “The County shall communicate and cooperate with surrounding cities and counties by becoming an active member of the SJVAB Coordinating Council in order to promote regional air quality planning management.”

The current IM#2 (p. 9-11) corresponds to the former IM#3, but the 2010 version differs from the 2008 version, which said that, “The County shall investigate the feasibility of providing financial or other incentives to cities and communities in the County that practice air quality sensitive development.” The 2010 version changes this to providing incentives to “hamlets and communities.” **Why has this change been made? Please revise the timeline for this IM.**

The County apparently resolved in 2004 to investigate the feasibility of providing incentives in 2004. The 2008 GPR scheduled this investigation for 2010 to 2015. The current version changes the timeline to 2015-2020. **This strongly indicates that the County has little interest in even “investigating” incentives for air quality sensitive development, much less actually implementing any such program. The public and the County’s regional neighbors would like to rely on the County to act meaningfully in this area. Please modify these inadequate IMs.**

AQ-1.2 Cooperation with Local Jurisdictions (p. 9-7): This Policy must be clarified and strengthened. How will the County “participate?” How will it “address” cross-jurisdictional transportation and air quality issues? **Please see comments directly above on IM#1 and #2 (and on the 2008 IM#2).**

The BACKGROUND REPORT is extremely deficient and inadequate in its Air Quality section. It provides dry as dust definitions of its Key Terms, almost never giving any indication at all of how the pollutants, geography, legislation, or organizations mentioned actually impact the reader’s life daily and the public, economic, and environmental health of Tulare County.

For example, on page 6-6, in Table 6-1, it describes Ozone’s Pollutant Health and Atmospheric Effects” in words such as “Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals . . . and pulmonary function decrements in chronically exposed humans.” This, of course, does not make clear to the reader the health effects of ozone: that ozone can cause itchy, watery eyes; irritate the respiratory system, causing coughing, throat irritation, and chest discomfort; ozone can reduce lung function, making it more difficult to breathe deeply and vigorously; aggravate asthma; and make people more sensitive to allergens and more susceptible to respiratory infections; repeated exposure to ozone can permanently scar lung

tissue, resulting in permanent loss of lung function and a lower quality of life. Respiratory illnesses, asthma attacks, and impaired lung function and growth lead to emergency room visits, hospitalizations, and premature death

For example, the “County Responses to Air Quality Conditions” section (BR p. 6-16 ff) starts off with a list of EPA actions re ozone classification. On page 6-17, it states that “The County continues to evaluate and consider a variety of federal, state, and SJVAPCD programs in order to respond to the non-attainment designation . . . and will continue to adopt resolutions to implement these programs.” It then lists the RACMs listed in a March, 2002 County Resolution and a 2004 Resolution. Then it moves on to PM10. Never does it discuss whether any of the RACMs were actually implemented and with what results.

For example (p. 6-18), was transit service to Woodville, Poplar, and Cotton Center increased? If so, when and by how much, and with what results? Were three new buses purchased? If so, when, and where do they go, and have they helped air quality? Were they “clean” buses (such as CNG?) How many additional bike racks were installed on buses? Are they being regularly used? What kind of public outreach has been made? When was the outreach made? Was there a response? Has preferential parking for carpools and vanpools been provided? If so, where and how much? Is it being regularly used by carpools and vanpools? Where has on-street parking been removed in order to provide bus pullouts in curbs? How many parking spaces have been converted to bus pullouts? How many hybrid vehicles have been purchased for the County fleet? When were they acquired? What percentage of the fleet is now hybrid? What are the results? How is the General Plan Update implementing land use policies supporting public transit and vehicle trip reduction? What are the expected results? What are the results of the \$13,264,000 of highway widening projects to reduce entrained road dust from unpaved shoulders? How many miles were completed, when and where?

As for the follow up Resolution of 2004 (p. 6-18), it is so vague that it is hard to say how one could tell whether it has served to accomplish anything concrete and measurable. Its RACMs include “development and implementation of recommended procedures, thresholds, and policies related to land use projects to help achieve air quality goals.” Have these been developed and implemented? If so, where are they, and when did they become effective? What results have they produced? What about “encouraging land use patterns which support public transit and alternative modes of transportation” and “exploring concepts of Livable Communities” and “consideration of incentives” and “exploring ways to enhance incentives?” It’s been 6 years since this Resolution was adopted. What precisely has been the effect of its RACMs in improving the County’s air quality? What has actually been achieved as a result of this “encouraging” and “exploring” and “considering?”

A review of the Implementation Measures in the GPR Air Quality section shows that of the 17 listed (including 2 that are new and appear only in the RDEIR) only 5 are not listed as “ongoing,” and far too many are as vague as the list in the 2004 Resolution (“work with TCAG to develop a program,” “consider standard methods for determining and mitigating project air quality impacts and related thresholds of significance,” “continue

to remove debris after wind or rain,” “continue to provide water trucks at refuse sites,” “conduct a periodic review of its existing hybrid and alternative fuels vehicles,” “develop and implement an outreach program,” “continue to evaluate and implement flexline[“flextime?”] programs,” “identify opportunities for infill sites,” “work with TCAG in refining and maintaining a current set of RACM and BACM that can be used in reviewing and conditioning transportation and circulation projects.”

Has the County made any real, innovative progress in reducing air pollution and correspondingly improving public health, safety, and welfare, environmental health, and the related economic impacts? Has it demonstrated initiative and leadership and provided a good example, or is it continuing mainly to make vague gestures and mouth the right words while doing at the most only the minimum required by law?

The Background Report needs to be rewritten to provide a clear picture of Tulare County’s air quality situation, its effects, and what is actually being done about it.

AQ 1.3 Cumulative Air Quality Impacts (p. 9-7): If the County indeed will “require developments to be located . . . in a manner that would minimize cumulative air quality impacts,” then the County must firmly restrict new development to within existing UDBs and the new HDBs (which probably should be shrunk to promote compact and efficient development), as close as possible to existing jobs, infrastructure, and services, and require new development to be concentric, compact, infill, mixed-use, higher-density, properly-oriented for energy efficiency, transit-oriented, walkable and bikeable, and resource-efficient. **Please revise accordingly.**

The second sentence notes that CEQA requires alternatives to be proposed. **Please clarify this sentence. Does it mean to say that all applicants for development will be required to have their projects reviewed under CEQA? If not, state which projects will require CEQA review. Once the alternatives are proposed, how will the County select an alternative to approve? Does this Policy require the County to always select the alternative that would minimize cumulative air quality impacts? If not, please clarify how the CEQA alternatives relate to County action on development proposals.**

IM#3 (p. 9-11) says that the County “shall review all discretionary permit applications to consider cumulative air impacts through the CEQA process, and require the preparation of an EIR with alternatives if a fair argument can be made that there will be significant impacts on air quality.” This is shown as a “new” program that is “ongoing.” **Please revise this IM to specify the following:** How long has this process been required by law? **Who will determine whether “a fair argument can be made” that there will be “significant” impacts on air quality? In a county with air quality as poor as Tulare County’s, how is the significance determination made?**

IM#4 (p. 9-11): The 2008 version of this IM (#5, p. 9-8 of the 2008 GPR) said that “The County . . . *shall develop* standard methods.” The 2010 version says that the County “*shall consider* standard methods.” **Please explain why this wording has been changed and clarify the meaning of this IM. Does this mean that the County shall consider developing standard methods, or that the standard methods have now been developed and the County will be applying them? If the County has standard**

methods of determining and mitigating project air quality impacts and related thresholds of significance, what are they, and where can the public read them? Please include this information in this IM. The timeline has been changed from 2007-2010 to 2010-2015, which implies that the standard methods have not yet been developed.

AQ-1.4 Air Quality Land Use Compatibility (p. 9-7): Please add: *"In order to promote compliance with the requirements of AB32 and its Climate Action Plan, and to protect the health, safety, and welfare of its residents and the overall health and sustainability of its environmental resources, the County shall strongly discourage industrial or other developments which are likely to cause undesirable air pollution, and shall concentrate on attracting industrial and other developments that will cause minimal air pollution. The County shall permit industrial or other developments likely to cause undesirable air pollution only on the condition that such development comply with all feasible BACMs in order to minimize air pollution."* Tulare County's air quality is so poor and so costly that the County must make every possible effort to minimize additional adverse impacts.

AQ-1.6 Purchase of Low Emission/Alternative Fuel Vehicles (p. 9-7) and IM #7 (p. 9-12): Please change "encourage" to "require." Surely this is one thing the County can do immediately to mitigate air quality problems, reduce GHG emissions, set a good example, and save on fuel costs.

says only that the County will conduct a periodic review of its existing hybrid and alternative fuels vehicles; the timeline is Ongoing. Since most of the County's few hybrid/alternative fuel vehicles appear to have been purchased in 2001 and 2002 (per its draft Facilities Impact Fee study), presumably the ongoing periodic reviews have already revealed whether the performance and maintenance characteristics of these vehicles have proven satisfactory. Frustratingly, **this Policy and its IM, do not commit the County to any concrete, enforceable, measurable plan of action to achieve an important goal. Recommendation: As a minimum, the County should adopt SJVAPCD Policy 20 (County fleet vehicle operators shall replace or convert conventional fuel vehicles with clean fuel vehicles as rapidly as feasible) and its three implementation strategies, from the SJVAPCD's "Air Quality Guidelines for General Plans" (revised June, 2005). This document (although with a 2003 date) is referenced on p. 6-12 of the Background Report. It contains 34 recommended policies for counties to adopt, a number of which Tulare County has included in the GPR.**

AQ-1.7 Support Statewide Climate Change Solutions (p. 9-75): Please revise this very vague and confusing statement, which seems designed to obfuscate and avoid the issue. **The CARB has already formulated and published numerous mitigation strategies (many of which have been obvious for years and promulgated by many other sources) that may be implemented by local government.** The time has passed for the County to simply "consider" them. **The County must resolve to implement as many of them as it feasibly can as fast as it possibly can,** in order to comply not only with AB32 and its new Climate Action Plan, but with the priorities of its

populace, and with its responsibility for promoting the health, safety, and welfare of its citizens. **We need a General Plan with strong, clear policies and concrete, measurable, enforceable, timely implementation measures to accomplish this.** There is no IM for this Policy.

On page ES-8, etc. of the RDEIR, as part of Table ES-3-Required Additional Mitigating Policies and Implementation Measures, **AQ-1.7** appears with revised text as follows: "The County shall monitor and support the efforts . . . 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." This is an improvement over the egregious language in the GPR. However, the RDEIR revision still does not commit the County to strong, clear, air quality improving action. **Please clarify "as appropriate."** It is hard to imagine a project without air quality impacts. Are the key words here "under the General Plan?" Is the implication that "under the General Plan" it will be "appropriate" to evaluate only certain projects? **Please revise this Policy to enable the reader to understand the meaning and implications of this Policy.** Please change "will" to "shall." What if the project is not consistent with the listed emission reduction strategies? What action will the County take then?

AQ-1.8 Greenhouse Gas Emissions Reduction Plan/Climate Action Plan (RDEIR p. ES-9, etc.): This new Policy is listed in Table ES-3-Required Additional Mitigating Policies and Implementation Measures. This new Policy states: "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.

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

The County issued a **Draft Climate Action Plan (CAP)** along with the GPU documents (GPU/GPR, Background Report, and RDEIR) in March, 2010. **In a paid advertisement on March 25, 2010, when the documents became available to the public, the County announced that:**

"A Climate Action Plan has been prepared as an implementation measure of the General Plan Update. The Climate Action Plan is not a part of the formal General Plan Update documents but will be considered for approval subsequent to the adoption of the General Plan Update. . . . In light of the recent legislative actions specific to sustainability and climate change, the County has initiated a Climate Action Strategy specific to its unique rural nature. As an initial step, the County has prepared a

Greenhouse Gas Inventory for the Planning Area. **The Tulare County Climate Action Plan serves as a guiding document for County actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the General Plan 2030 Update. An Implementation Measure is a specific action, program, procedure, or technique. Implementation Measures are provided to help ensure that appropriate actions are taken to implement the General Plan. . . . 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."**

Most of this text is repeated as a frontispiece in the CAP and on page 1 of its Executive Summary.

Since global climate change may be the greatest threat facing Tulare County, it is essential that the GPU/RDEIR require clear, timely, definite, enforceable Policies and concrete, measurable, timely Implementation Measures to address it. **Please explain why the CAP, the "guiding document for County actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change" is not being adopted along with the GPU/RDEIR. When is it going to be adopted, so that it can serve as an Implementation Measure for the GPU? When there is no certainty of when or if it will actually be adopted, please explain how it can serve as "Required Additional Mitigating Policies and Impementation Measures?"**

IM#16 (RDEIR p. ES-9, etc.): This new IM is listed under "Required Additional Mitigating policies and Implementation Measures in the RDEIR. It states that "The County shall develop and maintain a climate action plan. The climate action plan shall include the following elements: an emissions inventory, emission reduction targets, applicable greenhouse gas control measures, and monitoring and reporting plan." As discussed directly above, **the County has developed a draft climate action plan, but when it will be actually adopted is uncertain.** The draft plan appears to include the elements listed. How it will be maintained is unclear. **CAP p. 84 lists actions that "should be initiated within the first year after the adoption of the CAP."** These include assigning a CAP Coordinator, setting up a Cap Implementation Committee to assign responsibilities, participating with TCAG on SB375 Targets, developing a LEED/LEED ND Implementation Program, obtaining technical assistance, developing a fee/cost recovery program to implement monitoring and reporting, and compiling a first progress report as a part of the Annual General Plan Implementation report. It then jumps to Long-Term Actions, with milestones of approximately every 5 years, including reviewing data, analyzing completed projects, and updating the CAP to reflect changes in State regulations and CAP programs. Every five years seems far too infrequent for updating the CAP to reflect changes in the rapidly-evolving field of State regulations and programs relating to climate change. **Please revise this IM to require the CAP to be updated yearly to maintain currency with these regulations and programs. Additionally, the CAP Implementation provision is a list of actions that "should" be "initiated" within the first year after adoption of the CAP. Please**

revise IM#16 to require that at least the majority of the items on this list must be completed within a year of the CAP's adoption.

IM#17 (RDEIR p. ES-9, etc.): This new IM is listed under "Required Additional Mitigating policies and Implementation Measures in the RDEIR. It is unclear which Policy this IM is related to. Please make this clear.

This IM states that the County "may inspect County facilities to evaluate energy use, the effectiveness of water conservation measures, production of GHGs, use of recycled and renewable products and indoor air quality to develop recommendations for performance improvement or mitigation. The County shall update the audit periodically and review progress towards implementation of its recommendations." Please change "may" to "shall." "May" does not implement anything. **This IM needs a Timeline. When will the County inspect its facilities for this important evaluation? Has it not carried out any such inspections and evaluations to date? When would the recommendations be developed? Has the County not yet made any such recommendations? If it has made any, has it implemented them? If so, what are the results? As discussed earlier, it is important for the County to provide leadership and a good example in these critical areas. This IM should also require the County to publicize the results of its inspections, recommendations, and progress reviews, so that others could learn from them.**

AQ-1.9 Support Off-Site Measures to Reduce Greenhouse Gas Emissions (RDEIR p. ES-9, etc.): This new Policy is likewise in Table ES-3- Required Additional Mitigating Policies and Implementation Measures. It says, "The County will support and encourage the use of off-site measures or the purchase of carbon offsets to reduce greenhouse gas emissions." Please define "off-site measures" and "purchase of carbon credits" as they are to be understood in this context. They should be defined and discussed in the GPR and the Background Report, but they are not even mentioned there. Please explain why the County "will support and encourage" these methods and how the County will do so and when the County will do so. Who will pay for the purchase of carbon credits? When Tulare County's air quality is often the worst in the nation and we are already suffering from the impacts of global climate change, why isn't it better for the County to use IMs that will deal directly with reducing GHG emissions here in our County, where we can directly monitor the actual results?

9.2 Transportation Design (GPR p. 9-8 ff)

AQ-2.2 Indirect Source Review (p. 9-8): Please define "major development projects" here, so that the reader will know what this Policy applies to (without having to search the web for the information; it is not included in the Background Report either). Please include in the list of mitigations what is perhaps the most important one:

“Locating, preferably as infill, adjacent to existing development, jobs, infrastructure, schools, and services so as to minimize necessary VMTs.”

IM#8 (p. 9-12) is too vague to be measured. What will the County do, and when, to “increase expansion and enhancement of existing public transit services?” **This IM should be revised to indicate, e.g., number of buses to be added per year, number of additional stops to be served on existing routes, new routes to be added, number of park and ride facilities to be added, miles of cycling and walking trails to be completed, etc.**

IM#9 (p. 9-12): This IM is also far too vague, and its Timeline is “ongoing.” This IM appears to be based on a 2004 Resolution. **Has the County already developed and implemented the outreach program to inform major employers of the Commuter Choice Program? If so, what did the County do? What were the results? If not, this IM needs a definite deadline. How frequently and by what method(s) should the County provide such information to major employers?**

IM#10 (p. 9-12): This is another “ongoing” IM characterized as a “New” program. **Does the County already have a flextime work hour program for its employees? If so, when did it start, and how many employees are not commuting during peak hours? What factors are to be considered in the evaluation? Is the program successful? This IM should require information about this program and its results to be publicized so that other employers can learn from the County’s experience.**

AQ-2.3 Transportation and Air Quality (p. 9-8) and IMs #8 and #9 (p. 9-12): Is it correct that all of these alternatives have already been comprehensively studied? If so, what were the results of the studies? If not, which have not yet been comprehensively studied? It’s time for implementation of the obvious alternatives to the degree that we can fund it. If we can’t fund it, the County should be actively seeking funding. The two IMs are discussed directly above; please improve them.

9.3 Land Use/Design (GPR p. 9-9 ff)

AQ-3.1 Location of Support Services (p. 9-9): This is a good idea, but the Policy is too vague (“encourage;” how? when?) to be meaningful, and it has no implementation measure. **Recommendation: the County should immediately begin to promote infill development through tiered developer impact fees and/or other incentives (including mitigation fees for non-infill greenfield development) and through strict enforcement of UDBs and HDBs. . Could the County incentivize or require the location of some of these services (e.g., child care, food service, ATMs, small convenience stores) within major employment centers?**

AQ-3.2 Infill Near Employment (p. 9-9) and IM #11: Identifying opportunities doesn't make infill happen.

Please strengthen this Policy to state concretely what the County will do to actually, measurably increase infill development and reduce vehicle trips.

IM#11 (p. 9-12) states that the County will identify these opportunities by identifying opportunities in community [plan?] updates, hamlet plans, and redevelopment plans over time. The community and hamlet plan processes are extremely lengthy and rare occurrences. **The County should implement tiered developer impact fees and/or other incentives** to cause every applicant for new development to prefer infill as the more cost-effective option, as mentioned in the preceding comment.

AQ-3.3 Street Design (p. 9-9): Here is yet another "good idea" Policy that is too vague ("promote"; how? when? What kind of design?); **please clarify and also provide a specific Implementation Measure.**

Recommendation: This Policy and its IMs should require new development to be based on a small-block traditional grid street system to promote walking and biking and reduce VMTs. Streets should be required to include designated spaces for bus parking for passenger stops, with shelters. Streets should be required to include extensive plantings of native large-canopy drought-tolerant shade trees to clean and cool the air and invite pedestrian traffic. Streets should be required to include bike lanes and traffic calming devices to promote pedestrian and cyclist safety.

AQ-3.4 Landscape (p. 9-9): Please change "encourage" to "require" and include some IMs (it currently has none) to prescribe how and when this will be made to happen. **Please include** that the landscaping must be drought tolerant and incorporate a high percentage (over 80%) of native plants.

AQ-3.5 Alternative Energy Design (p. 9-9) and IM #12 (p. 9-12): Here the County has a Policy to "encourage" implemented by an IM only to "encourage." Mandating energy-efficient and water-efficient design are key methods of reducing GHGs and addressing global warming impacts and complying with AB32 and the County's Climate Action Plan. Yet there is nothing concrete or measurable in this IM, which is identified as "ongoing." PLEASE put meaningful green building requirements in place before the end of this year to begin accomplishing these key objectives. The County could require that a fixed percent (e.g., minimum of 10 or 15%) above Title 24 standards be achieved for energy efficiency. The LEED-ND certification process is now available.

AQ-3.6 Mixed Land Uses (p. 9-9): This worthy Policy is rendered almost meaningless by "encourage" and no IM. **Please make it and an IM for it clear, concrete, measurable, enforceable, and timely.**

AQ-4.1 Air Pollution Control Technology (p. 9-9) and IM #13 (p. 9-12): What BACM and RACM measures have been adopted by the County so far? How does the County determine which ones to adopt? What determines whether these measures are "appropriate" to new development? Why would the County not adopt all BACM and

RACM to address our terrible air quality problems? Why won't these measures be applied to redevelopment as well as new development? The IM says only that the County "*will work with TCAG in refining and maintaining a current set of RACM and BACM that can be used in reviewing and conditioning transportation and circulation projects*" and that implementation of this Policy is Ongoing. Why does the IM deal with only transportation and circulation projects? **Please revise it to cover all development and redevelopment and to require BACM and RACM conditioning of projects.** Given its air quality problems, clearly, **the County must implement much more stringent measures, especially in the face of the tremendous growth and additional VMTs projected under the General Plan,** if it is to meet air quality standards, protect the health of its citizens and its environment, and comply with AB32 and its Climate Action Plan. **Please make this Policy and its IM clear, concrete, comprehensive, mandatory, and effective.**

AQ-4.2 Dust Suppression Measures (p. 9-10) and IM#4 and #5 (p. 9-11): In the Matrix, p. 215, it was requested that this Policy be changed from requiring "contractors" to requiring "anyone engaged in earth moving" to implement dust suppression measures. The County responded by changing this to "developers," and stating that the County "does actively require contractors and permit holders to implement dust suppression measures in accordance with SJVAPCD standards." We applaud the County's positive activity in this respect and request that this requirement be stated in the Policy. **Please revise it to "The County shall require *developers, contractors, and all permit holders* to implement . . . "** **We are glad to see that the SJVAPCD standards are being echoed and emphasized here in the GPR.** This emphasis should extend beyond developers to all significant dust-producers, including agriculturists. **Please include a Policy regarding agricultural dust suppression measures** because agricultural operations are major dust-creators in the County.

IM#4 (p. 9-11): The 2008 version of this IM (#5, p. 9-8 of the 2008 GPR) said that "The County . . . *shall develop* standard methods." The 2010 version says that the County "*shall consider* standard methods." **Please explain why this wording has been changed and clarify the meaning of this IM. Does this mean that the County shall consider developing standard methods, or that the standard methods have now been developed and the County will be applying them? If the County has standard methods of determining and mitigating project air quality impacts and related thresholds of significance, what are they, and where can the public read them? Please include this information in this IM.** The timeline has been changed from 2007-2010 to 2010-2015, which implies that the standard methods have not yet been developed.

AQ-4.3 Paving or Treatment of Roadways for Reduced Air Emissions (p. 9-10) and IM#6 (p. 9-11) and #14 (p. 9-13): **Please eliminate "where feasible" in the first sentence;** logically, if you can get the equipment in there to create a road, you can get the equipment in to pave or treat the road. **Please clarify the second sentence,** which implies that there could be new projects that will never have to pave their roads. **Please require all new projects to pave their roads and to establish permanent, secured funding for their maintenance.** Unpaved roads are a

major source of deadly particulate matter pollution (and may also contribute to dispersal of Valley Fever spores). Requiring all roads to be paved could contribute to better air quality, better health, and better visibility (also important to tourism).

IM#6 (p. 9-11) deals only with the County's refuse sites, so how does it implement AQ-4.3? Do these sites' roads fall into the "new roads" category? Why doesn't the County pave these unpaved access roads? When are the periodic reviews conducted, and what have they shown about the effectiveness of this ongoing measure?

AQ-4.4 Wood Burning Devices (p. 9-10): It is heartening to see a Policy in which the County actually "requires" a beneficial action. The second sentence, however, is still only a "promote," which is too vague, and there is no **IM**. Please change this Policy to "require" natural gas instead of wood products in all new homes which have access to natural gas and add a concrete **IM** (it currently has none) with a near-term implementation date. How can the County require the use of natural gas instead of wood products in existing homes? Can it require retrofit or replacement upon resale of the home? The County already has a lot of "no burn" days; these are necessary, but the rule is very hard to enforce, especially at the level of individual homes. **Recommendation: the County should disallow wood-burning fireplaces and stoves and space heating devices in any new construction.** We hate to say this, because of the romance and tradition of fireplaces and woodstoves, but fireplaces and woodstoves (even EPA Phase II certified) produce orders of magnitude more particulate matter than well-tuned gas devices producing equivalent heat, and, given the exigencies of the County's air pollution problems, its need to protect the health and welfare of its citizens and its environment, and its need to comply with AB32 and its Climate Action Plan, wood-burning devices probably have to become a thing of the past, unless we can hugely reduce California's population. The more of us there are, the greater our cumulative impact, the more we must restrict our wonted freedoms. The Matrix, p. 216, #12, rejected a previous comment's recommendation to ban fireplaces and woodstoves, stating that the County will comply with State law and SJVAPCD rules. **Since the County is, presumably, already complying with State law and SJVAPCD rules and nevertheless is far too often failing to meet State air quality standards, then, obviously, the County must implement more stringent policies and implementation measures of its own.** Of course, agricultural burning probably contributes more emissions and particulate matter than all the residential burning put together, and agricultural burning is not mentioned here. **Recommendation: a new Policy should be added to prohibit agricultural burning (unless some defined emergency condition exists).** Burnable agricultural waste should be converted to mulch or, where economically and environmentally feasible, used for biofuel.

AQ-4-5 Public Awareness (p. 9-10) and IM#1 (p. 9-11): The Policy is vague ("promote," with no indication of when or how) ; please clarify it. A good place to start walking this talk about promoting public awareness of the seriousness and extent of the existing air quality problems would be right here in the General Plan update, which is not getting anywhere near describing the seriousness and extent of the County's existing pollution

problems, in a way that will promote public awareness and understanding, enabling the community to realize and support the fact that the County must take concrete (and not easy) steps to remedy a dire situation that will exacerbate and will be exacerbated by global climate change. Please see discussion of this inadequacy above.

IM#1 (p. 9-11) says the County will work with TCAG to develop an “enhanced public information program aimed at reducing trips and improving air quality awareness.” This measure was evidently proposed by Resolution in 2004. It was scheduled for implementation in 2007-2010 in the 2008 version. It is now scheduled for implementation in 2010-2015. This evidences very little determination on the County’s part to educate and influence the public and increase their awareness of these long-term, debilitating, and life-threatening problems affecting the majority of the County’s population. The GPU process offers an excellent opportunity to inform the public and increase awareness, but the County is not publicizing it, and the GPU itself is not well aimed at reducing trips and improving air quality awareness. The GPU documents, as discussed above, are inadequate in promoting awareness of the seriousness and extent of our air quality problems. What is meant in this IM by “an *enhanced* public information program?”

AQ 4.6 Asbestos Airborne Toxic Control and Dust Protection (p. 9-10) and IM#15 (p. 9-13): This is not a Policy at all, but only a very brief description of a problem. Does the County intend to present a Policy related to asbestos?

IM#15 (p. 9-13): This IM says that the County will require those who deal with asbestos to follow State law regarding asbestos, with an “ongoing” timeline. It appears that the word “*of*” should be changed to “*or*” in “the sale *of* use of serpentine material.” Since these Codes were adopted in 2001 and 1990 (amended in 2000) and Rule 4002 was adopted in 1991 (last amended in 2004) and Rule 7050 was adopted in 1994 (and last amended in 2002) it is good to see that the County is requiring that they be complied with.

NOTE: the 2008 DEIR included as Required Mitigation Measures two new policies:

- **Policy AQ-4.6 PM10 and PM2.5 Reduction Measures for Dairy and Feedlot Operations** (DEIR p. 4-52): “The County shall ensure that dairy and feedlot operators implement the following particulate matter reduction measures as part of all dairy operations [followed by a list of 11 measures].”
- **Policy AQ-4.7 ROG Reduction Measures for Dairy and Feedlot Operations** (p. DEIR 4-53): “The County shall ensure that dairy operators implement the following ROG reduction measures as part of all dairy operations [followed by a list of 7 measures].”

Why has the County eliminated these important Policies, shown in the 2008 DEIR as required new Policies, from the 2010 GPU documents? Dairies and feedlots are major contributors to air pollution and GHG emissions in Tulare County, and the 2010 documents must address them much more substantially in order to inform the reader of current conditions and trends impacting the county, identify planning issues and challenges that should be

addressed through the general plan, explore and evaluate the implications of land use and policy alternatives, provide guidance in the planning and evaluation of future land use decisions, and to consider the significant environmental effects and identify ways to minimize them through General Plan Policies. AQ-4.6 and AQ-4.7 dealt with implementing SJVAPCD Fugitive Dust Emission Control Plans and SJVAPCD Rule 4570 ROG reduction requirements, both very important to public health and safety in Tulare County. **Please restore these Policies to the 2010 GPU documents.**

As discussed above, improving air quality is a top priority of Tulare County residents; it is essential to public health, is very important to tourism, is a top priority (in terms of GHG emissions) in mitigating global climate change, is required by the Federal and State governments, and is being given a big push by the need to comply with AB32, SB375, and the County's Climate Action Plan. **The County's commitment to meeting these critical air quality goals as evidenced by the Policies and Implementation Measures in the GPR and RDEIR seems half-hearted and lackadaisical.** As mentioned before, CARB and numerous other organizations publish long lists of positive actions that the County could take right away to address its air quality problems, and many counties have already implemented many of them, so we have a wide path to follow. **The County should adopt by resolution and implement through strong, clear policies and implementation measures all applicable CARB mitigation measures (incorporated by reference herein) by the end of 2011. The County should herald its commitment and leadership by joining other counties across the nation in the Cool Counties partnership.**

Consistency Question: On Matrix p. 218 (top), RMA states, with regard to methyl bromide, that "the County can and has imposed requirements beyond the minimum required by State law." However, in response to a suggestion that the County adopt a Policy to implement agricultural dust suppression measures (Matrix, p. 217), RMA's response was that "the SJVAPCD currently regulates these issues." **Please state and explain what the criteria are for the County to reiterate or even exceed the requirements of State law or SJVAPCD or other agency's regulations.** We would like to see much better control of agricultural dust and burning, to reduce pollution, GHG emissions, and haze, and to mitigate global climate change impacts.

The County should include in the GPR policies limiting agricultural dust and burning, either reiterating the requirements of the applicable law or regulation, or, preferably, imposing requirements beyond the legal or regulatory minimums. (Why does the GPR address development dust impacts, but not agricultural dust impacts?)

AIR QUALITY – BACKGROUND REPORT (BR):

Thank you for correcting the hyperlink information for the source for **Table 6-1 State and National Criteria Air Pollutant Standards, Effects, and Sources (p. 6-6)**. The Background Report (p. 6-12, top paragraph) refers to the SJVAPCD's "Air Quality Guidelines for General Plans" (2003 revised in June, 2005. The guidelines (p. 1-1) emphasize that "To obtain full benefit from these adopted goals and policies, cities and *counties must proceed*

rapidly with strong implementation programs” [emphasis added]. “The District’s plans to attain state and federal air quality standards *rely on local government to implement control measures that reduce emissions . . . to reduce vehicle trips and miles traveled, to increase average vehicle ridership, or to reduce direct emissions from vehicle activity . . .*” (p. 1-2). “. . .to persuade San Joaquin Valley residents to drive less . . . *we must change the way we plan, develop, and manage our communities to make it easier and more attractive . . . to use transit, bicycle, or walk.*”

Policies that promote compact development and efficient infrastructure minimize infrastructure costs, preserve natural or agricultural lands, and achieve air quality benefits by reducing vehicle trip lengths and improving the potential for transit service (p. 1-8). “*Implementation of the strategies with actual programs is the real key to air quality improvements*” (p. 1-9). Land uses that “are supportive of walking, bicycling, and transit can achieve long range trip reduction of 8 to 10 percent on a regional basis and more than 20 percent on a project basis,” assuming that new development will be served by an efficient transit system. Trip reductions equate roughly to emission reductions” (p. 1-9). The emphasis is on” local actions to reduce vehicle trips, reduce vehicle miles traveled, and increase average vehicle ridership” (p. 1-10).

As illustrated specifically throughout these comments, **the County has too often not responded to the necessity of writing firm, clear policies and concrete, measurable implementation measures with actual programs that will enable the County to make milestone progress on reducing its GHG emissions and improving its air quality.**

Existing Emission Sources (Background Report p. 6-130): It is misleading to state only the good news that emission levels in the valley have generally been decreasing overall since 1990 due to motor vehicle emission controls without mentioning the bad news that, due to huge population growth since 1990 (Tulare County has added about 100,000 people since then) and the fact that increase in VMTs is proportionately exceeding increase in population, “**this growth is overwhelming our hard-won progress and may cause overall mobile source emissions to begin increasing early in the next decade.** This is unacceptable considering that the federal Clean Air Act mandates us to reduce emissions of ozone precursors by at least three percent per year until air quality standards are attained. Any slack created by increases in motor vehicle emissions must be made up from job-producing stationary sources, or we will face the consequences of federal actions to reduce emissions” (p. 1-4, SJVAPCD, “Air Quality Guidelines for General Plans”). In addition, AB32 requires us to further reduce emissions.

This information should be included in this section of the Background Report, to provide a better balanced view of this critical issue.

Likewise, the next paragraph in this section of the BR states that our PM10 emissions decreased between 1975 and 1995 and has been relatively constant since 2000. **The County still exceeds the State standard for these dangerous particulates on an average of about 150 estimated days per year, as should be noted here.** And, since our population is growing so rapidly, more and more people are suffering from the health and economic impacts of our bad air quality.

Air Quality Monitoring and Existing Emission Levels (BR p. 6-13): This mentions three monitoring stations in Sequoia National Park; it should be revised to note that the Lookout Point station is no longer active. Thank you for removing the information about the Visalia Airport station, since it is not a CARB site, and no data from it are available on the CARB website.

Table 6-2 – Selected Air Quality Monitoring Data (BR p. 6-15): This Table and its footnotes are still defective and misleading. Please revise them per the comments above in the Overview section, near the top of this comment letter. **We cannot locate this table via the datalink information provided in the footnotes.**

The Air Quality section of the Background Report is also defective in terms of providing sufficient background information because it does not provide information regarding the significance and consequences of the County's poor air quality. It addresses the health impacts of air quality in only the most cursory way (in Table 6-1 on pp. 6-6 – 6-7), saying nothing about the County's high asthma rates, its high hospitalization rates, its exceedance of the State PM10 standards on an estimated half the days of the year, its typically well over a 100 days per year (210 days in 2007) when its ozone pollution makes breathing its air unhealthy for sensitive groups (a very large percentage of the population – the young, the old, those with heart and lung problems – well over 50% of Tulare County's population). (Thank you for adding a section on Climate Change, which was never even mentioned in the 2008 Background Report.) It doesn't address the economic costs (beyond mentioning health care and emergencies) of our poor air quality, including crop damage and losses. It never talks about WHY we have all these organizations and regulations trying to deal with Air Quality: it has a gigantic impact on our quality of life (including shortening our lives, limiting our activities, impacting children especially – in some cases keeping their lungs from ever fully developing) and if we don't substantially reduce our GHG emissions starting right away, we will face ever more serious impacts from global climate change, impacts that are already occurring..

The Background Report must disclose these facts as well, because it currently gives only a small part of the picture and doesn't give the reader a good understanding of the significance of the issue and a means to analyze what should be done in response to it.

The Air Quality section of the BR (pp. 6-18 – 6-19) describes three County Resolutions adopted in 2002 and 2004 in response to legislative requirements and designations. It does not state whether RACMs adopted were actually carried out and what effect they had on the air quality problem. (See more detailed discussion of the first two above.) Many of the RACMs are so vague that they cannot be measured or enforced. Several of them (e.g., "supporting," "exploring concepts of Livable Communities," "consideration of incentives") appear to have advanced little beyond the stage of being adopted, as they now are written just as vaguely as Implementation Measures in the current GPR.

The Background Report should not simply describe these Resolutions, but should analyze their effectiveness in terms of the results they have achieved, to enable the reader to better evaluate the likely effectiveness and timeliness of the mitigation measures described in the RDEIR.

Recirculated Draft Environmental Impact Report (RDEIR) Section 3.3 Air Quality (p. 3.3-1 ff):

The RDEIR is deficient, like the Goals and Policies Report and the Background Report, because it does not adequately disclose, describe, and evaluate the effects of the County's air quality problems on the physical and economic health of the County, nor does it adequately disclose, describe, and evaluate the reasonably foreseeable effects of the build-out of the GP update in this area.

It does not provide the public and decision-makers with sufficient facts and clear analysis to confidently determine that the necessary relevant issues and their impacts have been covered. The comments above on the inadequacies of the Background Report apply to the RDEIR as well and are incorporated here by reference. (Much of the information in the RDEIR duplicates the related text in the Background Report.) The RDEIR Air Quality section, however, does include some material not contained in the related Background Report section. For example, on p. 3.3-5 it discusses Asbestos, and on p. 3.3-6 it discusses Valley Fever. **As is typical, neither of these topics is related in any way to human or environmental health impacts.** Thus, there is no indication in the Valley Fever section of why this is of interest (Valley Fever can kill people), how many people are infected by it in Tulare County, how it affects them, how many die, etc. **Not just winds, but construction and agriculture can disperse the spores. In California in 2000-2007, 16,970 cases of Valley Fever were reported, with 752 deaths (the highest incidence being in the San Joaquin Valley).** Animals other than humans can also contract Valley Fever.

Methodology (p. 3.3-16):

The first sentence states that **the GP Update "will allow planned development to occur within both developed and undeveloped portions of the County," and that the "buildout will ultimately be market driven."** The GP update will not only allow development to occur in undeveloped portions of the County, the update currently promotes such development by providing for new towns and new growth corridors in greenfield areas. To achieve its Goals and respect and respond to the priorities of its citizens, the County must **ensure that the General Plan directs all new growth to the degree that it possibly can to ONLY the already-developed portions of the County.** That mandate, and requiring greater average densities, better transportation alternatives, and increasing Multi-Use and walkable development, is the only alternative that will enable the County to meaningfully mitigate air quality and GHG emission impacts while best achieving all its other Goals..

Market-driven development has produced the sprawling, resource-intensive, automobile-driven, highly polluting developed environment that we are living in today. This type of development cannot be sustained in Tulare County. It is also misleading to term it simply “market-driven,” in that those who profit from the market also drive the market through intense advertising and a reluctance to change. In order to meet the challenges of global climate change and to provide for a sustainable future, we must shift the paradigm, and responsible, **healthy growth policy must drive the market, steering it in the right direction until that becomes the norm. We already have more than enough inefficient development. Now the General Plan must require development to be as resource-efficient as possible. The DEIR must present a **Healthy Growth Project Alternative to address this need.****

The first paragraph under Methodology (p. 3.3-16) states an assumption of a year 2030 buildout, but the seventh paragraph (p. 3.3-17) says that the dairy and feedlot associated emissions model assumes buildout by year 2020. Please state how these are to be reconciled. Please include a discussion of dairy and feedlot associated emissions in the Air Quality section of the RDEIR, including their significance and how they are being addressed.

Criteria Pollutants (RDEIR p. 3.3-15) footnote 1 at bottom of page: please include in this footnote the applicable definition of “very large” and “very intense” construction projects, without which the footnote means very little.

AQ Impacts and Mitigation Measures (RDEIR p. 3.3-18 ff)

Impact 3.3-1 “The GP Update would result in a cumulatively considerable net increase of criteria air pollutants that result in a violation of an air quality standard (p. 3.3-18 ff): In the 2008 DEIR, (p.4-49, Impact AQ-1), this impact was stated differently: “The GPU would result in a cumulatively considerable net increase of air pollutants. Future growth in accordance with the GPU would exceed the SJVAPCD thresholds for ROG and PM-10.”

AQ-1 Impact Summary (DEIR p. 4-49): Incredibly, the Level of Significance Before Mitigation is rated as “Potentially Significant.” Given that ALREADY the County’s air quality is rated the worst or near the worst in the nation, and this is BEFORE we add the proposed 200,000 additional people and their vehicles and their energy consumption and the additional confined animal facilities, and all the new construction, and global warming impacts, **it is inevitable, unless drastic and immediate changes are made, that under the GP update buildout our air quality and GHG emissions will only become much worse.** Therefore, **please change this rating to “Without a Doubt Extremely Significant”** or whatever the appropriate rating is for that dire condition. **Please change the Level of Significance After Mitigation to “Extremely Significant” also. The DEIR provides no basis for evaluation and**

comparison of our baseline air quality situation, the situation as projected without mitigation, and the situation as projected with mitigation, leaving the reader to rely on common sense.

Impact 3.3-1 Construction (RDEIR p. 3.3-18): Please revise the first sentence to make it more accurate: Change from “Construction activity that would occur over the next several years . . . would cause temporary, short-term emissions . . . within all of the County’s individual planning areas . . . “ to “Construction activity that would occur over the next twenty years . . . would cause *emissions on at least five days per week every week during typically at least an eight hour period on each of those days of various air pollutants . . .*” Given that the County projects a population increase of well over 200,000 during the GP period, it is obvious that construction activity will be ongoing and widespread, causing much more than temporary, short-term emissions.

Impact 3.3-2 Operational Impacts (RDEIR, p. 3.3-20): The first sentence states that **operational impacts would primarily result from mobile source emissions, dairy and feedlot operational emissions, and natural gas combustion for stationary sources.** Two new Policies (AQ-4.6 and AQ-4.7 in the 2008 DEIR p. 4-52 ff) were declared in the 2008 DEIR to be required to address the dairy and feedlot operations; these dairy/feedlot(confined animal facilities) pollution issues have become so extreme that concerned citizens groups have had to sue the County about them. However, these two new Policies have been REMOVED in the 2010 RDEIR. Please explain why the RDEIR does not include these Policies and how it is addressing this critical source of operational emissions. Additionally, this RDEIR AQ section does not address vehicle emissions (mobile source emissions)even though they are the chief source of much of our air pollution and GHG. **Here is where strong, clear new Policies and Implementation Measures requiring compact, denser, resource-efficient, transit-oriented, walkable development located where jobs, services, and infrastructure already exist should come in. The AQ Mitigation Measures are deficient because they do not strongly and specifically address vehicle emissions.**

Impact 3.3-2 Table 3.3-5 Tulare County Operational Emissions (RDEIR pp. 3.3-20 and 3.3-21)

This Table shows changes in estimated tons per year of various operational emissions between existing year (2007) and buildout year (2030). **Please include the necessary corresponding information regarding existing impacts on human and environmental health, economic impacts, and global warming impacts, and then project these impacts based on the emissions increases (and decreases) shown (e.g., increase in asthma rates and other respiratory diseases, increase in number of days when exercising outdoors would be harmful, increase in health care costs, increase in crop losses, increase in number of days over 100, decrease in snowpack, etc.);** this information could be presented in a Table also. It would need to be based on existing population and buildout population.

The figures in Table 3.3-5 (RDEIR p. 3.3-20) have been substantially changed from the corresponding figures in the 2008 DEIR (Table 4-2, 2008 DEIR pp. 4-50 – 4-51). Please explain these differences and why the changes

were made. The 2008 table shows "Tulare County *Onroad Vehicle Emissions*" and shows, for example, *ROG figures of 1270 tons per year existing, 652 tons/year at buildout*. The 2010 Table shows "Tulare County *Mobile Source Emissions*" of ROG of *911 tons/year existing and 731 tons/year at buildout*. **All the figures are different in this section of the table.**

The second part of the table is "Tulare County Dairy and Feedlot Emissions." The figures are the same from ROG through PM2.5. However, **the 2008 table showed Methane and Ammonia Emissions in Tons/Year (the figures are huge). Why has this important information been eliminated from Table 3.3-5?** Methane and ammonia are significant to air quality, and dairies and feedlots emit 63% of the GHG in unincorporated Tulare County, per the Climate Action Plan. (This information is not covered in the Energy and Global Climate Change section of the RDEIR either.) **Please restore this important information to Table 3.3-5 and discuss the significance of these impacts and how they will be mitigated in this section of the RDEIR.**

It should be noted, for example, that p. 3.3-21, in its discussion of SJVAPCD Rules and Regulations lists **Rule 4570 Confined Animal Facilities**, but does not note that this Rule applies only to very large operations (e.g., over 1,000 milking cows [dairies], over 3500 beef cattle [feedlots], over 7500 calves/heifers, over 650,000 chickens, etc.). **The RDEIR and the Background Report should inform the reader of how many dairy and feedlot operations exist in Tulare County already, how many more are currently pending, the size range of the operations, and the total number of animals involved. Many of the other SJVAPCD Rules and Regulations also include similar thresholds, which should be discussed in the GPU documents and then related to the range of operations typical of Tulare County.**

The RDEIR states on p. 3.3-21 that the "proposed project was designed specifically to address a variety of air quality issues including the need to reduce vehicle and other operational-related air quality emissions." "Additional policies call for a variety of strategies designed to improve air quality through land use planning." "This page lists a number of SJVAPCD Rules and Regulations and GPU policies, but then concludes that, "However, even with implementation of the below mentioned policies and implementation measures, this impact is considered potentially significant."

On page 3.3-22, the RDEIR lists the Mitigating Policies and Implementation Measures for the Air Quality Element. Virtually every one of these listed Policies (and their Implementation Measures, when they have them) are discussed above as they occur in the GPR. Please refer to the above comments and incorporate them by reference here. The comments show that, almost universally, these Policies and Implementation Measures are far too vague, weak, unmeasurable, unenforceable, laggard, or otherwise unreliable to serve as mitigation and implementation measures for the impacts listed in the RDEIR.

Beginning on p. 3.3-22, the RDEIR then lists a number of other things that “would help to further reduce emissions.” It does not say whether or how the County is implementing these measures through the policies and implementation measures in the GPU/RDEIR. The listing consists primarily of a repetition of the SJVAPCD Rules and Regulations listed on p. 3.3-21, and reiterates that “the County will continue to ensure that a variety of . . . measures” [unspecified] will be “implemented under all future development projects” “through project specific CEQA mitigation measures and permit conditions.” It then concludes that “no additional technologically or economically feasible mitigation measures are currently available,” so the impact remains significant and unavoidable (p. 3.3-23).

Clearly, however, the County has not made a good faith effort to apply through the policies and implementation measures in the GPU and the RDEIR many of the technologically and economically feasible mitigation measures which are available to it, such as locating new growth and development within existing development boundaries, without loopholes or exceptions that allow for “leapfrog” new town or corridor development; requiring (or incentivizing) resource-efficient development; firmly limiting the circumstances under which development boundaries can be expanded; strongly discouraging the conversion of agricultural and open space lands to urban uses, and offsetting unavoidable impacts with mandatory mitigation measures such as conservation and agricultural easements; increasing average density requirements; and providing strong, clear policies with concrete, enforceable implementation measures that include definite timeframes, funding sources, and departments in charge of monitoring and enforcement.

Throughout the GPU/RDEIR documents, this pattern repeats. The regulatory setting lists the regulations that apply, there is a description of the environmental setting/conditions in the County, the potential impacts are described, feasible mitigation (General Plan policies) measures are listed, additional measures may be listed, and the resulting and remaining environmental impacts are shown to be less than significant or significant and unavoidable. Yet far too often, as illustrated above, the descriptions are incomplete, questionably accurate, confusing, truncated, or misleading. It is often not clear how the information presented relates to the County or to the goals, policies, and implementation measures of the GPU/RDEIR (or, conversely, how the goals, policies, and implementation measures relate to the information presented). Rarely is it clear how to discern and consider the relative costs and benefits of the proposed project and its environmental impacts.

Too often, the baseline conditions are not made clear and relevant (e.g., current air quality pollutant emissions should be connected to a corresponding baseline condition of human health impacts and related costs), and the long-term impacts are likewise not made clear and relevant.

Furthermore, reasonably foreseeable indirect effects are not addressed and made relevant (e.g., the growth-inducing effects of New Towns, leading to even greater population pressures, substantially increased VMTs, increased GHGs and ever-greater air quality impacts).

The GPU/RDEIR does not clearly present, illustrate, and analyze the extent to which the proposed project will commit non-renewable resources such as high quality agricultural lands, scenic landscapes, almost

vanished wetlands and riparian areas to urban uses that future generations will probably be unable to reverse.

The GPU/RDEIR never discusses how accumulating GHGs linger in the atmosphere long after they are emitted, continuing to produce and magnify the climate changes that are already adversely impacting Tulare County. The severity of future global warming impacts is our choice: the longer it takes us to reduce GHG emissions, the worse the changes will be; the direct or indirect emission of GHGs is an irreversible effect.

The GPU/RDEIR also fails to fully describe and analyze the cumulative impacts of the project. Nowhere, for example, does it discuss how permitting a first New Town in Tulare County, which, when taken in isolation, might seem to some to have manageable environmental impacts, could lead to the development of more New Towns (who knows where?), which could cause multiplying cumulative impacts at great cost to the health of Tulare County's environment and its people. Nowhere does it compare and analyze the environmental (not to mention economic) costs and benefits of developing New Towns and new highway growth corridors versus the costs and benefits of directing new growth into existing urbanized areas and requiring it to be much more resource-efficient, compact, dense, walkable, "green," and transit-oriented.

The RDEIR (p. ES-5) is an "informational document." It has two primary purposes (p. 1-4): to assist in the analysis of environmental impacts "by including a *complete and comprehensive evaluation* of the physical impacts of the project and its alternatives" and to "*inform interested stakeholders of the environmental impacts.*" In both of these respects, the RDEIR is inadequate and does not meet CEQA requirements .

Table 3.3-5 footnote "b" (RDEIR p. 3.3-21: These emission factors "assume a cleaner mix of vehicles as older, more polluting vehicles are retired" and thus "calculated reductions in future year emissions." However, given that VMTs are expected to increase at a much greater rate than population increase, the increased VMTs are predicted to wipe out the gains made by lower emissions per vehicle. Additionally, the unincorporated County includes a much higher than average percentage of diesel vehicles, many of which are older models and highly polluting. These vehicles typically are operated for many more years than the average car, and so it will take much longer for this population to be retired and replaced by vehicles that will contribute to "a cleaner mix."

This begins the AQ add-in fm L

The policies that would minimize the cumulatively considerable net increase of air pollutants described in the RDEIR are discussed in more detail above, individually and in general. Please incorporate those comments by reference in this section. As written, these policies and their implementation measures are likely to do very little to minimize this impact, as they consist mostly of policies too vague to be meaningful ("support," "promote," "encourage," "study," "consider"). Many of them have no implementation measures at all. The implementation measures that exist are generally not concrete or measurable, and are often "ongoing."

Given our air quality problems, the increasing impacts of global warming (which will very likely worsen air quality), and the necessity to comply with AB32, SB375, and the County's Climate Action Plan, **these policies and their implementation measures will not suffice to mitigate this impact, and they must be clarified, strengthened, and made measurably enforceable and effective.** Most of these policies' implementation measures are stated to be "ongoing" and our air quality is terrible.

For example, for Impact 3.3-2 – The proposed project would result in a cumulatively considerable net increase of criteria air pollutants that result in a violation of an air quality standard (RDEIR p. 3.3-20). The RDEIR lists over 30 policies in the GPR that would minimize the impact, and states that even with their implementation, the impact is considered "potentially" significant. Please see our specific comments on these policies and their implementation measures above in this document and incorporate them by reference in this section. **Again, almost all of these policies and their implementation measures (where there are any) are vague and weak; they must be clarified and strengthened so as to be enforceable and produce measurable results that will produce mitigation.** As written, they cannot serve as effective mitigating policies and implementation measures for the GPU/RDEIR. **Even with their implementation, this impact must certainly be considered indisputably significant."** This comment regarding "cannot serve" applies, unfortunately, throughout the GPU/RDEIR.

Impact 3.3-4 Analysis (RDEIR p. 3.3-25): This analysis raises additional concerns (over and above those noted above) because not only will the GPU produce a huge increase in VMTs and traffic on existing County roads, but it is urging extensive new development areas directly beside highway corridors, where emissions of Toxic Air Contaminants (TACs) such as diesel particulate matter are concentrated, thereby promoting exposure of residents and visitors to these TACs. People working in the businesses to be located next to the highways will be chronically exposed to DPM, risking carcinogenic and non-carcinogenic health effects. Recent studies show greater health risks for people within a mile of heavily traveled roads.

Recommendation: The County should limit new development to within existing development boundaries and should not implement highway growth corridors.

Impact 3.3-5 Objectionable Odors (RDEIR pp. 3.3-27 ff): For policies cited in this section, please see our detailed comments above on these policies and their implementation measures in the GPR, incorporated by reference to this section. Please incorporate by reference herein our comments already made on AQ-4.7 and AQ-4.8.

The Odor Management Plan that was mentioned in the 2008 DEIR (p. 4-64) does not appear in the 2010 GPR and is no longer mentioned in the RDEIR. **Please discuss this important Plan in the RDEIR and explain how and when it will be implemented.** The RDEIR states on p. 3.3-28 that its referenced policies and regulations apply

only to *new or expanded* dairy or feedlot operations. There are already well over 350 existing dairies and feedlots in the County, and many of them are very near the places into which the GPU appears to be considering directing growth and development. **Please explain how odor will be required to be managed on these *existing* operations.** This policy singles out dairy and feedlot operations. **Please explain how odor will be required to be managed on other confined animal facilities in the County.** Please state whether there is a *size threshold* for the confined animal facilities to which these policies and regulations would apply. If so, state the threshold and **document how well it would cover existing and proposed confined animal facilities in the County.**

Approximately how many County residents currently live within odoriferous range of these facilities? Under the GPU, considering growth in both livestock and human population, approximately how many County residents will be impacted? This section of the DEIR should **explain how odor impacts are currently measured and then describe how the proposed mitigation measures will affect those impacts.** For example, if one measure of adverse odor impacts is the number of complaints received per year, how much would these be likely to be reduced by implementation of this policy?

Impact 3.4-3 (RDEIR p. 3.4-31 ff): AB32 was enacted in 2006, requiring California to reduce its levels of GHG emissions to 1990 levels by 2020. To do its part in meeting this urgently important requirement, **Tulare County should commit to reducing its GHG emission levels to 1990 levels by 2020.** The County has done little in its GPU/RDEIR documents to uncover, analyze, and fully disclose the reasonably foreseeable effects on the environment of the GPU project.

The RDEIR contains some statistical tables, such as Table 3.3-5 on RDEIR p. 3.3-20, but they are incomplete, covering only mobile onroad vehicle emissions and dairy and feedlot emissions. **They must be expanded to include current and projected data for offroad mobile vehicles and for the multitude of stationary sources beyond dairies and feedlots** (e.g., industrial, residential, landfills, other agricultural, etc.).

NOTE: The text above Table 3.3-5 discusses *offroad* vehicle emissions and says that the increase was calculated based on the projected *11% job growth rate* in unincorporated Tulare County. The 2008 version of this Table (Table 4-2, DEIR p. 4-50) labels the first emissions source as “Tulare County *Onroad* Vehicle Emissions” and says in the text above that **operational impacts would primarily result from “vehicle emissions generated by *future population growth*” and dairy and feedlot development** associated with buildout of the GPU. Both the 2008 Table and the 2010 Table reference the same source in footnote “a,” but the 2010 version adds information about offroad emissions.

The 2010 Table also **omits the CO2 emission information** provided in the 2008 version. It **substantially reduces the figures for the remaining emissions** in the Mobile Source category. It keeps the same figures for the Dairy and Feedlot emissions as were in the 2008 Table, EXCEPT that it **totally omits the categories of Methane and Ammonia and omits their huge corresponding tonnage information** (2008 DEIR p. 4-51). So, what’s going on here? **How does this kind of information presentation fulfill the RDEIR’s responsibility to inform the public**

and decision-makers? (Please see other comments elsewhere in this letter re Table 3.3-5, and **please revise this Table to make it accurate and complete with a corresponding relevant and accurate textual explanation.**)

The DEIR should discuss and analyze what the projected emissions increases will mean to quality of life, health, and the economy in Tulare County. The RDEIR **has failed to comply with AB32** because it has failed to prepare a GHG Emissions Reduction Plan as part of the GP update (unless we count the new Climate Action Plan, which is announced as NOT being part of the GPU/RDEIR and not up for adoption with the GPU/RDEIR) and **it has failed to adopt all feasible measures to mitigate the adverse impacts of the GP update.** The mitigation measures presented in the RDEIR to mitigate air impacts include measures already required by the SJVAPCD (e.g., SJVAPCD Rule 4570 regarding confined animal facilities). The RDEIR never notes that these regulations apply only to very large facilities, nor does it note any of the specific requirements of the SJVAPCD rules, nor does it note the new policies associated with dairy and feedlot operations required as additional mitigation measures by the 2008 DEIR (AQ-4.6 and AQ-4.7, p. 4-52 and 4-53, which have vanished).

Far too many of the County's policies addressing air quality are vague and unenforceable ("encourage," "support," "consider") and their implementation measures are too often absent or else not concrete or measurable, as discussed in detail above. **We urge the County to expeditiously develop and implement a strong plan to reduce its GHG emissions; time is of the essence.**

This ends the AQ add-in fm L

10. HEALTH AND SAFETY (GPR p. 10-1 ff, etc.)

p. 10-1: It is thrilling to see "Healthy Communities" added as a new section (Section 10.9) in the Health and Safety Element. For far too long, health and safety have been neglected in too many of the unincorporated urban and urbanizing areas.

Existing Conditions (p. 10-2): The introduction to this Element should note under **Existing Conditions** that **air quality and water quality are also sources of significant health concerns in Tulare County** and that these are addressed in Element 9 – Air Quality and Element 11 – Water Resources.

p. 10-3, 2nd paragraph in discussion of flooding: This paragraph should **include the information** that in 1998 Earlimart was flooded and Highway 99 was closed; it should also state that the flooding that occurred in 2006 in Cutler-Orosi, which the Governor declared an extreme emergency, was due to levee failures.

p. 10-3, 3rd paragraph: This paragraph should **include the following information** from the Background Report (BR pp. 8-20 – 8-21): **Vegetation fires comprise the majority of fires in Tulare County; most are caused by**

human activities involving motor vehicles and equipment operation, smoking, arson, and debris burning.

Communities are increasingly concerned about wildfire safety as increased development occurs in the foothills and mountain areas, and subsequent fire control measures have affected the natural cycle of the ecosystem. Wind, steepness of terrain, and naturally volatile understory create the potential for larger and more intense wildland fires. The threat of wildland fires increases as the terrain becomes increasingly steep in the foothills and mountains. 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 wildland fires

The creation of residential parcels in these areas has compounded the potential for property damage from fires and has significantly complicated firefighting responsibilities in the area. Foothill and mountain subdivisions have also virtually eliminated prescribed burning as a means of fire suppression. Conditions of the County's 16 fire stations range 'from excellent to poor,' with many identified as inadequate for housing fire equipment, and response times have increased due to rapid growth without a correspondent growth in fire protection facilities and staffing. **Therefore, as the County continues to grow, the risks of injury, loss of life, and property damage will also increase.** Lack of funding is the main obstacle to improving fire protection. Please implement developer impact and mitigation fees ASAP; here's another example of why they're so much needed. **The Background Report should also discuss what the County spends on fighting fires in the foothill and mountain areas and the environmental impacts of increasing wildfire through development at the wildland-urban interface. The County certainly should not promote development in these fragile areas that are so important to its airshed, watershed, and viewshed, its tourist industry, its recreational opportunities, its open space, its habitat, and its global climate change mitigation strategies – and so much more costly to service, protect, and maintain.**

IM#11 (p. 10-19) mentions detailed information on the County-maintained fire hazard severity map. This map and the detailed information should be included in the GPU/RDEIR. (The Wildland Fire Threat map – Figure 3.8-2, RDEIR p. 3.8-31 – is a start, but it does not even designate the communities and MSCs and hamlets in the High and Very High Fire Threat Areas.)

HS-1.3 Hazardous Lands (p. 10-3): Please clarify and explain: should this Hazardous Lands designation apply to all riparian areas and the areas subject to flooding from levee failures, such as Levee Districts I and II on the St. Johns River? **Please provide a map in this section showing where these areas have been designated and how they are zoned.**

Figure 10-1 Seismic/Geologic Hazards and Microzone (p. 10-5): This map is dated 1974, so it does not provide current information. It is basically unreadable at this scale. Please include text discussing where the hazards and microzones are and how County planning and land use are affected by them.

HS-1.12 Addressing (p. 10-4): This important safety policy is too vague to be meaningful (how will the County “seek to expand” this Ordinance?) and its Implementation Measure (**IM #7, p. 10-18**) is too far in the future (2015-2020; was 2010-2015 in the 2008 version). **Please modify this Policy and IM accordingly.**

HS-2.3 Hillside Development (p. 10-7): This is a good new policy, important for soil conservation, aesthetics, safety, habitat, and lessening runoff and erosion. **Please change “discourage” to “prohibit” and add an Implementation Measure** so that this Policy will be enforceable.

HS-2.6 Seismic Standards for Dams (p. 10-7): **Please clarify this Policy;** “shall continue to address” is too vague to be meaningful. **Please provide an Implementation Measure** for this Policy to make it measurable and enforceable. The Background Report (pp. 8-17) states that **two major dams and many smaller dams throughout the county would cause flooding in the event of their failing. “However, a comprehensive analysis of the potential for dam failure and possible downstream effects for these upstream dams has not been undertaken.”** **Please add a clear Policy and concrete Implementation Measure to address this critical issue.** Please make the Policy and IM effective in time to ensure that such a comprehensive analysis will be required prior to the approval of any new dam construction in the County (such as the one proposed to be built at the proposed Yokohl Ranch development).

HS-4.1 Hazardous Materials (p. 10-8): **Please clarify this Policy;** “strive to ensure” does not indicate who, what, when, where, or how. The Background Report states (BR p. 8-37 – 8-38) that **Tulare County has no facilities authorized to store or dispose of hazardous waste, but that over 7100 tons of hazardous waste was generated in the County in 2008 (versus 1600 tons of hazardous waste originated in the County in 2002, per the 2008 Background Report) and were transported, mainly on State Routes 43, 63, 65, 99, 198, and 201 (BR p. 8-39).** It states that the County has over 200 sites that are listed by the SWSRCB as contaminated, almost 150 active cases of leaking underground storage tanks (p. 8-39) and five sites on the federal National Priorities List (in 1988), nine sites on the California Department of Substances Control Hazardous Waste and Substances Site List in 2008 (BR p. 8-41), and two Superfund sites (p. 8-42). Given this level of hazardous waste, **please move up the date of the Implementation Measure (#12 on p. 10-20) for this Policy; it was given as 2015-2030 in 2008 and is now listed as 2020-2030 --much too far in the future to begin addressing this problem, which is contaminating our air, water, and soil.**

HS-4.2 Establishment of Procedures to Transport Hazardous Wastes (p. 10-8): **Please clarify this vague Policy** (if the County shall “continue” to cooperate with CHP on establishing procedures, how can the corresponding IM have a timeline that was starting in 2015 and has now been changed to start in 2020?), and **please move up the timeline for the Implementation Measure for this Policy (#IM #12, p. 10-20); 2020-2030 is too far in the future to address this hazardous activity (especially as traffic volumes and congestion constantly increase).**

HS-4.3 Incompatible Land Uses (p. 10-8-4): Please provide earlier dates for beginning work on the Implementation Measures (#12 and #13, p. 10-20) for these important Policies; 2015-2030 has been changed to 2020-2030 -- much too far in the future, especially given the County's very rapid population growth and rapidly increasing areas of development.

HS-4.4 Contamination Prevention (p. 10-8): Please clarify this very vague Policy and give it an Implementation Measure; explain how reviewing the proposals will ensure protection from contamination. Please include GHG emissions specifically as a contaminant.

HS-4.5 Increase Public Awareness (p. 10-8): Please clarify this very vague Policy ("work to educate") and give it an Implementation Measure.

HS-4.6 Pesticide Control (p. 10-8) It was suggested in the Matrix (p. 222) with regard to this Policy that, for the health and safety of its citizens and of its soil, air, water, and wildlife, the County require the use of natural methods of pest control and IPM practices to reduce the use of toxic and long-lived pesticides wherever possible. RMA responded that it would be illegal for the County to ban the use of pesticides, per Section 11501.1 of the Food and Agricultural Code. Having researched this, we see that the County cannot regulate the use of pesticides in general in the County; however, the County is allowed to pass an ordinance that regulates or restricts pesticide use in its own operations.

Therefore, please add to Policy HS-4.6: "The County shall require the use of natural methods of pest control and IPM practices to avoid or reduce the use of toxic and/or long-lived pesticides wherever possible in its own operations. Also, please add an Implementation Measure for HS-4.6 to clarify who will require mitigation of effects and what such mitigation will be and when this will be implemented; please make this a concrete and measurable implementation measure. It should be noted that many of the County's contaminated sites are associated with pesticide manufacturing/processing (BR p. 8-41).

The RDEIR (p. 3.8-15) lists policies that will minimize hazardous materials impacts. Five of these have no Implementation Measures at all; four of them have Implementation Measures scheduled to be worked on sometime between 2020-2030. They are discussed in more detail above. The GPR's first Value Statement is that the County will protect and enhance the beauty of the County and the health and safety of its residents. Please revise the above Policies and Implementation Measures so that they march to that tune.

In 2008, the DEIR (p. 4-79) states that the County's "lack of designated routes for hazardous materials transportation could expose County residents to unnecessary risk" and that "if development is proposed for known hazardous materials sites an extra layer of analysis is required for the safety of people and the

environment.” It stated that two new policies, HS-4.8 “Designated Routes for Hazardous Materials Transport” and HS-4.9 “Hazardous Materials Studies” are required.

HS-4.8 stated, “The County shall continue to encourage the transportation of hazardous materials within the County to routes that have been designated for such transport.” However, the Background Report states (p. 8-39) that “There are no designated routes within Tulare County for the transportation of inhalation hazards . . . or radioactive materials” per two sections of the Vehicle Code, although apparently it has routes for some materials. We asked that new Policy be strengthened and clarified. Instead, it has simply been eliminated from the 2010 RDEIR. Has the County now designated the appropriate routes, or is this another of the measures being put off until 2020 or 2030? Please explain why this important safety issue is not being addressed. The 2010 RDEIR contains only the second of the two “REQUIRED Additional Mitigating Policies and Implementation Measures,” now numbered HS-4.9 (Hazardous Materials Studies, RDEIR, p. ES-9, etc.). Please change “will” to “shall” in the second sentence of this Policy. The Policy states that “recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.” Please explain why the cleanup is not required to be completed to the satisfaction of the standards PRIOR to construction. It seems that construction could further disturb and disperse hazardous materials. What if it turns out that cleanup will take years, as has been the case with many sites? Please require that cleanup must be completed to standards as a condition of permitting the construction phase to begin.

10.5 Flood Hazards (p. 10-8) HS-5 “To minimize the possibility for loss of life, injury, or damage to property as a result of flood hazards”:

The Flood Hazards section discusses floodplains and dams, but it does not specifically address the flood hazards associated with Tulare County’s Levee Districts’ unmaintained levees and channels. According to the 2005-06 County Grand Jury report and the response of the Board of Supervisors (sitting as the Tulare County Flood Control District Board), the Board of Supervisors has not transferred general fund monies to the TCFCD for channel clearing since the winter of 1997-98, renewal of liability insurance held by District I was denied due to the age and condition of the levee, the Corps of Engineers will not certify the levees within the two levee districts, the levees are not constructed to FEMA standards, and the Board of Supervisors will not fund the TCFCD for regular inspection and maintenance because it is not feasible under the County’s current fiscal circumstances. In 2006, the Governor of California declared the flooding in Cutler-Orosi due to a levee failure an extreme emergency. The Background Report states (p. 8-14) that “The flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures . . . have increased along the Kaweah, Kings, and Tule Rivers. . . . Confined floodplains can result in significantly higher water elevations and higher flow rates during high runoff and flood events. Updated channel analyses have not been performed to determine the amount of obstruction posed by vegetation and development in the Kaweah, Kings, or Tule River channels. As such, FEMA maps depicting the 100-year floodplain for the rivers probably do not reflect the true extent and risk of flooding hazards in Tulare County.”

RDEIR (p. 3.6-33) states that “Levees have been built throughout the region, primarily to increase available land for agriculture. Such levees rarely meet current standards for flood protection.”

RDEIR p 3.6-53 states that “Until the County has implemented needed updates of its land use maps with current flood information, and met Safety Element provisions as now defined in Government Code 65302(g), flood related impacts of the proposed project will be significant.” RDEIR p. 3.6-55 says, “Under future climate change conditions, the hydrologic regimes the dams and levees were designed for may not be adequate to deal with new flood flow patterns.”

RDEIR (p. 3.6-55) states that “Recent flood events, including Hurricane Katrina, have brought . . . a heightened awareness of the dangers of levee failure . . . and increased public scrutiny of new development projects that are located in floodplain areas protected by levees . . . the risk of living behind a levee system is there could be a minor, major, or catastrophic failure of the levee.”

2008 DEIR (p. 4-87) then went on to state disingenuously that the “County has no jurisdiction and is limited in terms of alternatives to mitigate for the identified risks.”

The 2010 RDEIR completely omits discussion of the County’s responsibility for levees. Please explain why this was removed; please restore this important safety information.

Per the Grand Jury report, as agreed to by the Board of Supervisors, “The State of California Legislature formed the Tulare County Flood Control District (TCFCD) in 1972. . . . The Board of Supervisors serves as the governing board of the District. The District plans, designs, and maintains flood control projects within the County. Duties include maintenance of channels, pumps, and ponding basins. The District also administers FEMA’s National Flood Insurance Program, provides flood zone information, and performs flood control investigations.

TCFCD is funded by Tulare County property taxes. It receives approximately \$350,000 per year. There are no active programs for levee maintenance or channel inspections within Tulare County.”

The second paragraph of RDEIR p. 3.6-34 re the Tulare County Flood Control District says “The Act establishing the District provides the following powers to the District:”, but there is no list. **Please provide the information regarding the District’s powers.**

The Grand Jury report identifies Ventura County as a good example of a well-managed flood control model, with both flood control and watershed protection elements including ground water recharge; funding is supported by numerous benefit assessment districts.

The 2008 DEIR (p. 4-87) states that the “structural integrity of existing levees is an unknown. Therefore, this impact is considered potentially significant.” **Please include strong, clear, enforceable Policies and Implementation Measures in this section that will directly address the levee and channel flooding hazards. Please do not permit any new residential development in these areas.**

Levee and floodplain and natural waterway areas should be designated for open space, recreation, scenic landscapes, habitat, flood control, stormwater management, and groundwater recharge. Any development in these areas is at risk, puts humans at risk, creates impermeable surfaces and obstacles to hinder the performance and services of natural floodways, and puts a lot of toxic waste, trash, and other materials in the way of floodwaters, causing further damage to property and the environment. Allowing development in these areas also raises insurance costs, puts health and safety personnel at risk, and negatively impacts increasingly-rare habitat.

HS-5.1 Development Compliance with Federal, State, and Local Regulations (GPR p. 10-8): Please put the County Flood Damage Prevention Ordinance online for easy accessibility.

IM #14 (p. 10-20), which relies on FEMA floodplain maps for evaluation of projects; RDEIR p.3.6-30 says that the FEMA maps “probably do not reflect the true extent and risk of flooding hazards in Tulare County.” Please include a Policy to require regular and periodic channel analysis and update, with a concrete corresponding Implementation Measure. It appears that this will be required by Government Code Sections 65302 (d) and (g) (RDEIR p. 3.6-29, last paragraph).

HS-5.1 has added a new second sentence: “New development and divisions of land, especially residential subdivisions, shall be developed to minimize flood risk to structures, infrastructure, and ensure safe access and evacuation during flood conditions.” This is good, but vague. What will make this happen? Will new development and divisions of land not be permitted in floodplains and levee areas? **Please make this Policy strong and clear and give it an effective IM.**

IM#14 (p. 10-20), which says only that “The County shall maintain and annually update a Countywide database of FEMA flood plain maps to *evaluate projects* and provide to County residents, businesses, and developers.”

HS-5.2 Development in Floodplain Zones (p. 10-9): This Policy appears to allow residential subdivisions to be developed in the 100-year floodplain zones. Is this correct? Is this why these subdivisions shall be developed to ensure safe access and evacuation during flood conditions? Who will pay for these evacuations? **Please do not permit residential subdivisions in areas likely to be flooded, for the reasons listed above.**

IM #14 (p. 10-20), which relies on FEMA floodplain maps for evaluation of projects; RDEIR p.3.6-30 says that the FEMA maps “probably do not reflect the true extent and risk of flooding hazards in Tulare County.” Please include a Policy to require regular and periodic channel analysis and update, with a concrete corresponding IM.

NOTE: We found the Tulare County Flood Control District Flood Control Master Plan online. It is dated June 4, 1971. Is this the most current Plan? Also online is the Tulare County Flood Control District Flood

Control Master Plan Hydrology Appendix, revised June, 1973. Is this the only document related to this plan? Please put it online, so that it will be readily available.

HS-5.4 Multi-Purpose Flood Control Measures (p. 10-9): Please clarify and strengthen this welcome Policy and provide it with a concrete Implementation Measure. How will the County “encourage” these projects? Certainly we need all the groundwater recharge facilities we can get.

HS-5.10 Flood Control Design (p. 10-10): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. To say that the County shall “avoid” channeling, straightening, and lining waterways only until it has “studied” alternatives provides far too little direction for doing the right thing. And that was the 2008 version. The 2010 version changes “shall avoid” to “shall evaluate.” Why was this change made? When are the “alternative multipurpose modes of treatment” going to be studied? Aren’t there many examples of these already available to use as models? **Please ensure that channeling, straightening, and lining waterways shall be an absolute last resort.** Those methods provide for no recharge, no water filtration and cleaning, and no habitat, and they increase flood velocities.

HS-5.11 Natural Design (p. 10-10): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. “Encourage” is far too vague.

HS-6.4 Encourage Cluster Development (p. 10-106): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. “Encourage” is far too vague. Are there any examples of cluster development in the County? If so, where are they?

HS-6.6 Wildland Fire Management Plans (p. 10-11): Please clarify what these management plans must include, when and where they must be filed, how the plans’ required actions will be funded and carried out, and how they will be monitored and enforced; **please provide a concrete Implementation Measure** for this Policy. Will these plans be required for all projects that adjoin open space areas subject to wildfire?

HS-6.7 Water Supply System (p. 10-11): Thank you for including the fire flow requirement in this policy.

HS-6.9 Fuel Modification Programs (p. 10-11): Please clarify how the County shall “support” these programs, and **please provide a concrete Implementation Measure** for this Policy. These programs should include re-establishing natural fire regimes on public lands.

HS-6.12 Weed Abatement (p. 10-11): Please clarify how the County shall “encourage” these programs and provide a concrete Implementation Measure for doing so. Please include that weed abatement programs should be by mechanical or natural means wherever possible, avoiding the use of toxic herbicides.

HS-6.13 Restoration of Disturbed Land (p. 10-11): Please clarify how the County shall “support” this restoration and provide a concrete Implementation Measure for doing so. Please ensure that restoration will be done with native plant materials, so as to restore habitat and not introduce alien and invasive species.

HS-6.15 Coordination of Fuel Hazards on Public Lands (p. 10-12): Please clarify this very vague Policy. How will the County “support” efforts to reduce “fuel related hazards” on public lands? What is meant by fuel related hazards? Wildfires?. This Policy should prefer re-establishing natural fire regimes on public lands to reduce the incidence of very hot, fast, extensive fires and restore natural patterns of succession. One of the greatest “fuel related hazards” to public lands is the public. As pointed out in the Background Report, most wildfires are human caused. This is a good reason to very carefully limit and appropriately design development adjacent to public lands.

HS-7.7 Search and Rescue (p. 10-12): “Should” is not a Policy statement. Will the County do this or not? Please revise accordingly.

HS-8.11 Peak Noise Generators (p. 10-15): This welcome new Policy states that the County shall limit noise generating activities to normal business hours and not allow peak noise activities outside of normal business hours without County approval.

Turning to the Implementation Measure to see how this will be enforced, we find IM #22 (p. 10-22) stating that the County “*should* develop and adopt a peak noise standards ordinance,” with a timeline of 2010-2015 (it was 2007-2010 in the 2008 version). Does this mean that the County presently has no peak noise standards ordinance, meaning that Policy HS-8.11 can’t be enforced? Please provide a concrete, measurable IM for this important Policy. “Should” is optional. There must be many good model peak noise ordinances. Why couldn’t we pick one and adopt it this year? As the County’s population booms, controlling noise impacts becomes ever more important to health and quality of life.

The 2008 DEIR (pp. 4-98-99) listed six new “required mitigation measures” to address noise impacts (HS-8.12 – HS-8.17), but none of these appears in the 2010 GPR (however, they are all listed on RDEIR p. ES-8, etc.) None of these have Implementation Measures. A new Policy HS-8.12 has been added to the GPR:

HS-8.12 Foothill and Mountain Noise (p. 10-15): It is wonderful to see this new Policy requiring less noise in Foothill and Mountain Planning Areas than in other areas, since one of the greatest benefits of these areas is their

natural peace and quiet. **Why doesn't this Policy apply inside the Foothill Development Corridors? How will this Policy be enforced?** Looking for an Implementation Measure, we found none listed for HS-8.12.

However IM#21 (p. 10-21) says that the "County shall adopt the Tulare County Noise Ordinance to incorporate standards set forth in the Health and Safety Element," with a timeline of 2010-2015. The 2008 version said "The County shall amend and enforce the Tulare County Noise Ordinance to incorporate standards . . . ," with a timeline of Ongoing. So, **when and how is this Policy going to go into effect?**

HS-8-13 Noise Analysis (p. ES-9, etc.) requires the project applicant to have a qualified acoustical engineer prepare a detailed noise impact analysis in certain areas, and to include recommendations and evidence to establish mitigation to reduce noise to acceptable levels. **This Policy should require that the engineer be acceptable to the County (e.g., not any employee of the applicant, etc.) and it should state what will happen after the analysis and recommendations are submitted.** Given the County's rapid population increase, ever heavier traffic, and need to require greater energy efficiencies to reduce GHG emissions, **the County should require insulation exceeding Title 24 requirements by 10 or 15% and double glazed windows on all new construction.** That should help a lot to reduce noise to acceptable levels while serving other important functions as well.

HS-8.14 Sound Attenuation Features (p. ES-9, etc.): As discussed before, such buffers should be substantial enough to provide multiple benefits (e.g., trails and bike paths, plenty of native large-canopy trees, floodways and recharge areas, etc.).

HS-8.15 Noise Buffering (p. ES-9, etc.): Please see comments on 8.14 and 8.13 directly above. Ditto for HS-8.16 and HS-8.17.

HS-8.18 Construction Noise (p. ES-9, etc.): This Policy states that the County "shall seek" to limit the potential noise impacts of construction by limiting construction activities to "7 am to 7 pm Monday through Saturday" when construction activities are located near sensitive receptors." **How will the County "seek" to do this? There's no IM. Please explain how this Policy is related to HS-8.11 (GPR p. 10-15),** which states that the County shall limit . . . construction to *hours of normal business operation.*" To most people, "hours of normal business operation" would mean 8 am to 5 pm Monday through Friday, except that in the summer construction work usually starts and ends about an hour earlier. It is egregious to subject anyone within hearing of construction activities, which tend to be extremely noisy, to construction noise when they get home tired from work (for most people, that's about 5:30, after "normal business" hours) and on Saturdays as well. **Please clarify and reconcile these Policies, provide them with meaningful IMs, and do not allow construction noise after 5:00 p.m. or on Saturdays.** Give our overloaded ears a rest.

10.9 Healthy Communities (GPR p. 10-15)

HS-9 (p. 10-15) is a new Goal: “To support healthy lifestyles among residents of Tulare County through the built environment and land use decisions that play an important role in shaping the pattern of community development, in either promoting or discouraging good health for its citizens.” Now we’re cookin’! This is a very important Goal, long overdue.

Tulare County’s population is not very healthy, and much of it is significantly under-served medically. **The County Health Rankings website (<http://www.countyhealthrankings.org/california/tulare>) ranks Tulare County 49th out of California’s 56 counties in health outcomes, 47th in morbidity, 56th in health factors, 55th in health behaviors (e.g., adult smoking and obesity), 47th in clinical care (e.g., primary care provider rate, preventable hospital stays), 55th in social and economic factors (e.g., education, unemployment, children in poverty, single-parent households), 51st in physical environment (e.g., bad air days, access to healthy foods).**

However, as the California Medical Association says, **“Improving land use and transportation planning is a key component of . . . efforts to fight global warming, air pollution and chronic illness. Transportation sources account for . . . 41% of greenhouse gas emissions in California. Motor vehicles represent California’s largest source of greenhouse gas emissions and the majority of air pollutants such as ozone and particulate matter that contribute to an estimated 19,000 premature deaths each year in the state. Reducing driving offers a wide range of public health benefits and is vital to California’s goal of reducing greenhouse emissions to 1990 levels in 2020 and achieving an 80 percent reduction by 2050. “California has adopted cleaner vehicle and fuel requirements to reduce harmful emissions However, as California’s population grows, increased driving will overwhelm these state efforts to control emissions” as VMTs increase more rapidly than population growth. “Reducing vehicle trips and increasing options for walking, biking and other active transportation contributes to improved air quality and public health benefits.**

In addition to reducing air pollution and its harmful effects on cardiovascular and respiratory health, research indicates that compact, mixed-use communities that reduce dependence on motor vehicles can:

- Encourage residents to incorporate physical activity into everyday activities and reduce chronic health risks such as obesity, diabetes, heart disease, cancer and depression;
- Improve local access and transportation to nutritious foods and health care services that are often out of reach in low income communities and communities of color; and
- Reduce injuries as motorists are less likely to strike a pedestrian or bicyclist as more people choose walking and biking.”

As discussed in several places in our comments, **the GPU/RDEIR fails to provide an adequate description of the existing health of Tulare County residents, the impacts of land use and planning decisions on health, the costs of poor health to the County, and a clear comparison of how the RDEIR Alternatives would affect health in the County. The RDEIR also fails to provide a clearly environmentally superior alternative, which would**

mandate healthy growth for a healthier population. Unfortunately, the two new Policies to support this goal, HS-9.1 and HS-9.2, as written are too vague to ensure that visible progress will be made in the near future.

HS-9.1 Healthy Communities (p. 10-15): What determines feasibility in “To the maximum extent feasible?” How will the County “strive through its land use decisions to promote community health and safety?” Which land use decisions? Promote how? **If the County is truly committed to this, why is this GPU/RDEIR not designed throughout to reduce VMTs, promote active transit and public transit, require compact, resource-efficient, multi-use, higher-density, “greener” development?**

What is meant by “encouraging patterns of development that are safe and influence crime prevention?” Is this a reference to CPTED? (If so, see our comments on the County’s commitment in the Land Use section: LU-7.5 “Crime Prevention Through Design” (p. 4-31):

This Policy is too vague (“encourage), and its only IM (#22, p. 4-36) says only that the County will work with others to research CPTED guidelines and develop standards as an informational tool for developers sometime in the next 5 years. CPTED guidelines and models are available online; providing information to developers does *not* require anything to happen.) In Policy HS-9.1, what does the County mean by “a high-quality physical environment,” and how will the County “promote” it? Where will the sidewalks and walking and biking paths come from, and when?

IM#23 (p. 10-21) says the County “shall *work with* the Tulare County Redevelopment Agency, special districts, private developers, and local communities *to add health elements to community plans* that promote physical activity.” This is shown as New program with an Ongoing timeline. **How and when will this cause anything to happen?** Does this mean when the County can get around to getting community plans developed for the numerous communities that have never yet gotten them, since 1974? Or could it be when the several community plans that are well overdue for updates get updated? Or does it mean “communities” in general and “plans” in general? **If the “health elements” added to those plans are as vague, unmeasurable, unenforceable, and indefinite as this Policy and its Implementation Measure, we can hold out little hope for Healthy Communities. Please make this Policy and its IM concrete, meaningful, measurable.**

How about some goals on miles of walking and biking paths to be completed each year for the next 5 years? How about requiring tree planting and maintenance, with X many trees to be planted and maintained each year for the next 5 years? How about X thousand yards of sidewalk? How about at least one significant Safe Route to School completed each year? How about a model CPTED development to be completed by 2015? We need more than vaporware here. Please provide some real objectives here, and the means to make them happen.

The GPU/RDEIR documents should provide baseline information on how much development of what kind we have in the County now, in terms of type of units, number of units, number of acres of each type of unit, locations,

affordability, density, access to transit (within ¼ mile), access to school (within 1 mile), access to a park and recreation (within a mile), access to a community garden, access to employment opportunities, access to a good grocery store, a post office, an ATM, access to medical care, and a few more useful indicators, in order to evaluate what percentages of what types of residential development we have now, and what it costs.

How much smart, compact, resource-efficient, alternate-transit friendly, development do we have, both numerically and as a percent? Do we have 5%? 10? What if we could move that to 50% or more during the plan horizon? And what if through developer fees and mitigation money and assessment districts and maybe some grant money, we could start remodeling some existing developments along these lines? And what if community members saw that this type of community would be safer and healthier and more fun to live in so they pitched in and came up with ideas and volunteered to do some of the work and built their sense of community and took pride in what they did?

Look at Woodlake's fabulous community garden. Look at Exeter's murals. Look at those delightful, walkable community centers with everything just a block or two away – including some good places to eat! Let's connect some small places with walking/biking trails. Let's get tourists on the trail, cruising along under majestic valley oaks, watching hawks soar overhead, following county lanes, enjoying produce from the farm stands, and stopping at our rural towns for some authentic food, attractive scale and historic buildings, and shopping for clothes and other gear they don't find at home. We've got potential; let's build healthy and live healthy.

Let's look at the baseline again. Let's show our statistics if the GPU project is built as proposed. Let's show our statistics with the project built as a true healthy growth project. What are the relative costs and benefits? Which way should we choose?

IM#25 (p. 10-22): This says the County "is to consider" the preparation of a Healthy Communities Element in the General Plan. The timeline is 2015-2020. **What does this mean?** Writing an Element to be included in the General Plan 2030 Update? **What would this Element comprise? Could it be a model Element** that could serve as a starting point for all the communities that want to adopt such an Element for their plans? You could probably get a lot of volunteers to help work on this. The problem is that "is to consider" just doesn't cut it as an IM: not measurable, not concrete, not enforceable. **Please revise accordingly.**

Also, to be Healthy, these communities **will have to be built to be highly resource-efficient (water, land, air, materials, energy, etc.) and to use the natural features of the land for their evolved purpose wherever possible (e.g., natural drainage, floodways, groundwater recharge, habitat, etc.**

HS-9.2 Walkable Communities (p. 10-16): This says that the County "shall require *where feasible*, the development of parks, open space, sidewalks and walking and biking paths that promote physical activity and discourage automobile dependency in all future communities." **What's going to determine "feasibility?"** Let's get some Quimby going here after all these years. Let's require that neighborhoods have places for kids to play. **How (by what means?) will the County require this type of development? When will this Policy become**

effective? It says it will apply to “all future communities.” Does this mean communities that don’t yet exist (e.g., New Towns)? Or does it mean just any new development? **Please clarify this vague policy and give it some IMs with big teeth to make it happen.** We need to see some of these communities soon. **Remember not to build big walls around them; be sure they have complete streets; don’t forget the trees; connectivity is important; a community garden would be great.** Please be very sure to include lots of community stakeholders throughout the planning and development stages of both these Policies. These walkable communities must also be healthy in terms of resource efficiency, as discussed above for the Healthy Communities. Be sure to locate them near jobs and schools.

IM#24 (p.10-22): This IM says the County “shall develop a healthy community checklist for new residential, commercial, office, and public developments that lists standards for land use, transportation, street design, parks, and open space.” This is another New Ongoing IM. A checklist is a great idea.

Where is it, if it’s ongoing? If it’s done yet, when will it be done? What’s on it? When and how will it be used? Please make this IM concrete and useful. When will we see results from the checklist? Is it just a memorandum, or is it something enforceable.

11. WATER RESOURCES (GPR p. 11-1 ff)

The General Plan Update documents leave the public and decision-makers with many unanswered questions regarding the adequacy and sustainability of the County’s water resources. The baseline information is disorganized, piecemeal, incomplete, inconsistent, and inadequate. The impacts on water resources of projected growth, of agriculture, of contaminants, of litigation results, and of accelerating global warming are inadequately described and discussed. Far too many of the related policies and implementation measures are vague and inconclusive, and they cannot serve as effective mitigating policies and mitigation measures for the impacts described in the RDEIR. The relationship between water supplies and land use designations is not disclosed, and it is not at all clear how or whether the County means to direct land use and growth in relation to water supplies.

Key Terms -- Acre-foot (GPU p. 11-1) and Groundwater Export and Groundwater Overdraft (p. 11-2): The Acre-foot definition states that an acre-foot comprises 325,851 gallons. The Groundwater Export definition says that **one or more acre-feet is the measuring unit for export.** **Does that mean that if someone were to export “only” 300,000 gallons of groundwater in a year, it wouldn’t count, since it would be less than an acre foot (even though it would be almost enough to supply two households for a year) ?**

The Acre-foot definition states that an acre-foot comprises 325,851 gallons, and the national average daily per capita water usage is 160 gallons. **What is the average daily per capita water usage in Tulare County? What is the average daily usage per dairy cow (we have far more of those than of humans)?** Does the “per capita” use

figure count only the water used directly for human domestic needs, or does it just take the total annual usage for an area and divide it by the number of people living in the area?

WATER USE INFORMATION IS DEFICIENT AND INADEQUATE IN THE GPR, BR, AND RDEIR:

In other words, the GPU/RDEIR should **determine and analyze (approximately) what the per capita use is in Tulare County on the basis of household use, and also the total for household use, and then figure about how much is used by agriculture (and perhaps break that out among row crops, tree crops, dairies, range animals, etc.), and then figure out what the share is for commercial and industrial uses.** Since we have a huge and continuing groundwater overdraft, our snowpack is shrinking, our imported water supply is in jeopardy, and our population (both human and cows) is growing very rapidly, and the GPU is designed to try to attract even more industry and population, and to develop large new greenfield areas (e.g., the proposed New Towns, such as the proposed Yokohl Ranch, which will apparently rely on importing water from somewhere), what will our projected water use be at buildout of the General Plan? **The Existing Conditions Overview (GPR p. 11-3) and the Background Report and the RDEIR must present a comprehensive, meaningful, and relevant picture of Tulare County's current water supply and current uses, and must then project them as accurately as possible through the buildout of the General Plan. The RDEIR must carefully evaluate how the different Alternatives proposed would affect this water budget.**

We simply can't live without water, and **global climate change** will be affecting our neighbors as much as us, which could certainly negatively affect our supply of imported water.. The tremendously threatened Bay Delta could become increasingly saline due to continued massive pumping of its water into the Central Valley while climate change continues to cause sea levels to rise. **Existing water storage systems** will become less effective as they silt up and as runoff and precipitation patterns change due to global climate change. **Continued overdrafting** could reduce the ability of our groundwater aquifers to store water; in the worst case, we could use up our underground water supply, since we don't know how much is available. Clearly, our monstrous overdrafting far exceeds Safe Yield. The Existing Conditions Overview in the GPR (p. 11-3 – 11-4) also gives the reader no idea that **many of our communities have severe water quality problems.** Nor does it adequately discuss the **nature and extent of water supply contamination** by human activities, other than to mention leaking storage tanks. Septic systems, agricultural activities, manufacturing, construction, and other sources should be listed and their impacts assessed. The potential costs and benefits of conservation, recycling, and reuse of water resources should be reviewed and evaluated. **The GPU/RDEIR must make clear what we must address, the impacts of our current and projected uses and operations (including the project's impacts on GHGs and global climate change, and climate change's likely impacts on the project), and what our options are for avoidance or mitigation of these impacts in order to fulfill its informational requirement and provide the reader with a meaningful and much more complete understanding and basis for decision-making.**

Existing Conditions Overview (GPR p. 11-3): The first paragraph under this heading states that Tulare County has **four major sources of water:** groundwater, local streams and rivers, imported surface water, and imported

surface water by exchange. **What percentage of the County's water use is supplied by each of these sources? How are the sources divided among agricultural, commercial/industrial, and domestic consumption? Is almost all of the County's drinking water supplied by groundwater? Is agriculture by far the greatest consumer of the County's water resources?**

Please include: "All but one of the communities in Tulare County rely on groundwater for their water supply. Many communities' well water contains nitrates, arsenic, and other contaminants. These pollutants occur naturally and as a result of human activity. Several communities and many agricultural operations rely on surface water, pumped via pipes and canals, to augment their groundwater supplies. Now a long-argued legal case is being settled, and much of the water that these communities relied on for expansion of crops and population may no longer be available to them. **Water and energy use are related:** in California, approximately 19% of all electricity, 30% of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute, and use water and wastewater. This results in very substantial GHG emissions, exacerbating global climate change."

The **third paragraph (GPR, p. 11-3)** states that extensive **alluvial fans** associated with the County's rivers provide the highly permeable areas in which groundwater is readily replenished. **Are these alluvial fans also the areas in the County that are the most urbanized (and therefore the most covered by impermeable surfaces, impeding groundwater recharge, and the most subject to human-caused pollution), and also the most intensively agriculturalized (and therefore the most polluted by agricultural chemicals, confined animal facilities, etc.)?**

The **fourth paragraph (GPR, p. 11-3)** states that Tulare County has the greatest overdraft projected in the state (56% of the total), estimated at 820,000 acre-feet per year. It states, egregiously, that the overdraft is due to reductions in surface supplies due to Delta export restrictions and ESA requirements. **Would it not be more accurate to state that the overdraft is due to huge increases in population, water-intensive agriculture, and the dairy industry? If so, please revise the overdraft sentence.**

The **fifth paragraph (GPR, p. 11-3)** states that there are 19 entities in Tulare County with active groundwater management programs. **Is it correct that Tulare County does not yet have a Groundwater Management Ordinance** (the California DWR list, dated 12/04 does not show Tulare County among the 28 counties that have such ordinances, including Fresno and Kern)? If not, given the County's impending water crisis, does Tulare County mean to adopt such an ordinance? If so, when? **This paragraph should briefly discuss the County's involvement in and plans for dealing with this critical issue, and how this issue affects and would be affected by the County's GPU growth projections.**

The **seventh paragraph (GPR, p. 11-3)** mentions that predominantly individual systems supply water to the County, principally from groundwater, which is mostly untreated. **This paragraph should briefly discuss the**

County's involvement in and plans for dealing with the water supply systems, many of which are contaminated, at or near capacity (many in "Can't Serve" status), or old and dilapidated and in need of major repair, replacement, or expansion, and should explain how this situation affects and would be affected by the County's GPU growth projections. It should also discuss how many of these systems are contaminated, and explain how this affects and would be affected by buildout of the GPU.

Why is there no mention in this introductory section of the likely impacts of global climate change on the County's water resources? Please include a paragraph on this key condition. Scientific models consistently project for California (and the West in general) as a result of human-induced global warming: earlier annual runoff from diminishing mountain snowpacks; sharply diminishing runoff totals; rapidly changing seasonal averages and extremes of snow, rainfall, river flow, and floods; and longer droughts and worse heat waves. These conditions will, of course, increase demands for water, and they make it urgent that local governments and planners respond with measures to deal with increased hydrologic uncertainty, including modifications to infrastructure and innovative solutions such as capturing storm waters for irrigation, groundwater recharge, and other uses. Tulare County is already experiencing these effects, with diminishing snowpack, earlier runoff, and hotter temperatures.

WR-1.1 "Groundwater Withdrawal" (p. 11-6): The second paragraph on GPR p. 11-1 states that the County does not have direct regulatory control over water allocation or management and that the policies in this element should not be construed to insert the County into those activities. It also states that the County does have regulatory control over the approval of new land use development. WR-1.1 states that the County shall cooperate with other agencies during land development processes to manage the County's groundwater resources; the words "through ordinances, project approvals, and agreements" that were in the 2008 version have been deleted in the 2010 version. Why? Please clarify the County's powers and limitations in dealing with the key issue of managing water resources. What exactly can the County do to ensure an "adequate, safe, and economically viable groundwater supply for existing and future development?" If the various community service districts, irrigation districts, public utility districts, etc. are self governing and are not subject to County control, then how can the County ensure the groundwater supply? It may be noted here that communities such as Traver, El Rancho, Delft Colony, Seville, Tonyville, Yettam, Tooleville, and Wells Tract, which are under the County's jurisdiction (CSA #1 and #2) are all in Can't Serve status, and that 15 water and/or sewer districts are either under a cease and desist order or have other limitation for water and sewer connections as of 2007 (BR p 7-33). Please revise this Policy to include groundwater not just for development, but for habitat, scenic landscapes, and other natural resource lands in the beneficiaries of an adequate, safe groundwater supply (our groundwater should not be managed only for development).

Implementation Measure #1 (p. 11-11) for WR-1.1 and WR-1.2 says the County shall develop an ordinance that will regulate the extraction and exportation of groundwater from the County and require a

permit for export; six conditions are listed for the permit, including that the extraction will not “substantially” increase the overdraft of our groundwater and will not exceed the “safe yield” of the groundwater. **Please define “substantially” and clarify how, if we are already overdrafting 820,000 acre feet per year, we are not already greatly exceeding the safe yield.** Also, do these conditions apply only to a permit for export? **Can they be made to apply to any extraction of groundwater from Tulare County? There is NO mitigation for running out of water; we cannot live without it. We must start living within our means. Mother Earth does not do bail-outs.**

Implementation Measure #2 (p. 11-11) for WR-1.1 and WR-1.2 and WR-1.8 states that solid waste disposal areas shall not be located where there is possibility of ground or surface water contamination. Please expand this IM to include Confined Animal Facility Operations, which also must not be located where there is a possibility that they will contaminate ground or surface water (too many of them are already causing contamination).

Implementation Measure #3 (p. 11-12) for WR 1.1, 1.7, 2.5, 3.2, 3.4, and 3.7 states that the County shall assure that all watershed planning is done on a complete regional and watershed basis, balancing urban and agricultural demands. Please expand this basis to include habitat demands, groundwater recharge demands, scenic landscapes demands, and natural flood control demands. Please clarify how the County can assure this.

Agriculture currently uses hugely more water in the county than do the urban areas. How can the County affect this balance?

WR-1.2 “Groundwater Monitoring” (p. 11-6): This extremely important Policy needs to be made much clearer and needs much more concrete and enforceable IMs. In what ways will the County “support” collection of monitoring data? What types of data will be collected? Where will the data be stored and compiled and analyzed, and how will the data be used? **It is critically important that the County learn what is happening to its groundwater supply because it cannot sustain *even its current level of population and development* without reliable groundwater that does not fall so low that it is too expensive to extract, and that must not become contaminated. Please include requirements in this Policy and its IMs to ensure collection, analysis, and reporting of this essential information.** Of the IMs listed as implementing Policy WR-1.2, #1 and #2 (p. 11-11) seem to have nothing to do with Policy WR-1.2, unless the permits mentioned in IM #1 for groundwater extraction and export will include monitoring data (not mentioned). What data will be collected, and who will compile it? How will it be monitored? **This important function should be clearly spelled out in IM #1.**

IM #4 (p. 11-12) says the County shall participate “where feasible” in groundwater monitoring and planning programs; this is listed as a “New Program,” with a timeline that is “ongoing.” What will determine the feasibility, and how will the County participate? Please provide an update on an example of a local groundwater monitoring program: The Introduction to the Animal Confinement Facility Plan/Final Program EIR (GPA 99-05) states (p. 1) that in January 1998, the Board of Supervisors

adopted a "Quality of Life Program" setting forth a commitment to protect and enhance the quality of life for the residents of Tulare County and including a component that provided **resources to monitor the impacts of the dairy industry on the county's groundwater supply**. **What have been the results of this groundwater monitoring program** implemented by the County? What data have been collected and reported, and what actions have been taken on the basis of this information? Is this information available to the public? What information is available about the impacts of other industries on the county's groundwater supply?

IM #5 (p. 11-12): Please make this "Ongoing" "New Program" concrete and measurable. How will the County "encourage" participation by local stakeholders and develop groundwater-monitoring partnerships? Who would these stakeholders and partners be? How would the groundwater-monitoring data be collected, stored, analyzed, and shared? **This IM, or a closely related one, should implement the Data Needs Assessment and Recommendations described in the Animal Confinement Facilities Plan Draft Supplemental Program EIR** (pp. F-12 and F-13) and discussed above under Policy AG-3. What are the results so far of this ongoing implementation measure? They should be indicated in the IM to indicate more concretely what this means.

IM #7 (p. 11-12): The County states in the Matrix (p. 242, re IM #7) that "Since 2005 Environmental Health has required all new wells to be regularly tested for contamination." What contaminants are these wells tested for? How regularly are they tested? How are these results compiled and reported? Are they correlated with the results from the dairy monitoring wells? Are the results correlated with GAMA (Groundwater Ambient Monitoring Assessment Program) data? The County states on Matrix p. 243 that since August 2005, all new private domestic wells in the County will be tested for bacteria and nitrates, with DBPC tested for in the valley and radiological screening the mountains. Is this the same testing that is referred to on p. 242? If so, then are only new **domestic** wells being tested? What about agricultural wells? This well monitoring information is vital to the County's water future. Please make the collection and correlation and reporting of water quantity and quality data as comprehensive and continuous and mandatory and frequently reported as possible, **and revise this IM to indicate that this is the intent of this very important measure, which is essential to safe planning and development.**

WR-1.3 "Water Export Outside County" (p. 11-7): This is an important policy for sustaining the County's water supplies, but it is vague and confusing; **please clarify the Policy**. By what means can the County regulate export of water already allocated to County users? How can the County tell whether water is being "permanently" exported? When will regulation be necessary "protect the public health, safety and welfare?" Will this be if we know we're running out? The second sentence says, "The County **shall strive for a 'no net loss' where there may be water exchanges serving a public purpose.**" What if the water exchanges aren't serving a public purpose? Does the County know how much "net loss" the County is experiencing due to water exports? How do we know? **It is also EXTREMELY important to insure that water returning to the County to provide for "no net**

loss" is of the same or better quality than what we exported; please include this provision in this Policy.

Please revise.

Only IM#1 (p. 11-11)_ is cited for this Policy, stating that the County will develop an ordinance sometime in the next five years (2010-2015); the 2008 GPR said this Ordinance would be done by 2010; please try to make this deadline. Our water supply is decreasing drastically every day.

WR-1.4 "Conversion of Agricultural Water Resources" (p. 11-7): Please make this vague Policy ("discourage") clear and provide it with a concrete, measurable Implementation Measure. How will the County "discourage" the transfer of water? What criteria will be used to establish that the water remaining is "sufficient?" How will turning the agricultural soil into urbanized hardscape not significantly reduce infiltration to groundwater? This issue MUST be addressed in terms of cumulative impact, NOT on a piecemeal basis.

This Policy has been significantly reworded from the 2008 version. **Please justify why it now says "discourage the transfer of water . . . including but not limited to,"** very much weakening the intent from the previous "discourage . . . unless all of the following are met." **Additionally, please explain why the 3rd bullet in the 2008 version has been eliminated in the 2010 version:** "The water transferred to the domestic use is equivalent to an amount saved by the agricultural use through implementation of a conservation program (such as installing drip irrigation) or conversion to less water intensive crops."

(Given the County's gigantic overdraft, reductions in imported water, and shrinking snowpack, agricultural users should be implementing conservation programs such as installing drip irrigation and converting to less water intensive crops anyway, and the water "saved" should be going to groundwater recharge to reduce the overdraft, not to new urban development.)

WR-1.5 "Expand Use of Reclaimed Water" (p. 11-7): Please clarify this vague Policy, which implies through its title some relationship between reclaimed wastewater and augmenting groundwater supplies and conserving potable water. **From what sources and by what means would wastewater be reclaimed?** How would the reclaimed wastewater augment groundwater? Through use in irrigation? How would it conserve potable water? Would restrictions be placed on how potable water could be used? Where is this discussed in the Background Report and the RDEIR?

IM #6 (p. 11-12) for Policy WR-1.5 "Expand Use of Reclaimed Water" says nothing about reclaimed water. How does it implement policy WR-1.5? The IM does address established recharge sites, aiming to avoid their destruction by "clustering development to leave such areas in open space." As discussed above, none of the GPR's policies and IMs regarding clustering are sufficiently clear, concrete, measurable, or enforceable to require or produce any clustering at all. **What is meant in this IM by "alteration of existing agricultural practices?"**

IM #10 (p. 11-13) for Policy WR-1.5 “Expand Use of Reclaimed Water” states that the County shall incorporate provisions for the use of reclaimed wastewater, water conserving appliances, drought tolerant landscaping, and other water conservation techniques into the County’s building, zoning, and subdivision ordinances; the timeline is “Ongoing.” **What are the provisions for reclaimed wastewater use, and where specifically in the building, zoning, and subdivision ordinances can they be found? How much wastewater is being reclaimed by these provisions, and what is the County’s goal for wastewater reclamation and use?** The same questions apply to water conserving appliances, drought tolerant landscaping, and “other water conservation techniques.” What specifically is the County requiring, where specifically are the requirements to be found, what effect are they having, and what are the goals? **This information should be provided in the Background Report and the RDEIR. Given the County’s impending water crisis, it is essential to provide concrete, measurable implementation measures that enable monitoring and regular reporting; please modify this IM accordingly.**

WR-1.6 “Expand Use of Reclaimed Water” (p. 11-7): This very important Policy is far too vague to be enforced and has no Implementation Measure. **Please correct these deficiencies.** How shall the County “encourage” use of treated wastewater and gray water? Does the County have the authority to cause such use to occur? Do tertiary treatment plants currently exist in the County? Where are they located? What is their capacity? What happens to this water now? What would be required to distribute the treated water to agricultural and other lands to reduce groundwater demands? Could this significantly reduce groundwater demand?

WR-1.7 “Collection of Additional Groundwater Information” (p. 11-7): This very important Policy and its **Implementation Measures (#3,#7, # 8, and # 9 on p. 11-12, and #11 on p. 11-13)** are woefully vague and do not provide for measurement, monitoring, or reporting on a coordinated, accessible, regional basis. **How will the County “support” studies, per WR-1.7, to understand groundwater sources and basins?** This information is vital to the County’s land use and planning decisions, but it seems to take the form of scattered facts that cannot be turned into reliable, comprehensive information.

Please see above comment on IM #3 (under WR-1.1).

to install and monitor additional wells in areas where data gaps exist. The County responded that “This is not within the County’s jurisdiction.” So, **IM #8 apparently cannot be relied on to have any force or effect. By what means would the County “encourage” the other agencies and organizations?** Who would compile, coordinate, and report the data from the wells?

IM #9 (p. 11-8): This IM has been completely changed from its 2008 version, which said, “The County shall seek cooperation from realtors to require all sales of homes to have water testing for nitrates and bacteria in addition to valley sites testing for DBCP and mountain sites for radiological contamination.” The 2010 version says that “The County will research the development of an education program to inform homeowners in the Valley and Mountain areas regarding water quality concerns.” Researching

development of a program, of course, does not implement anything, nor is it clear how this IM relates to the Policy of collecting additional groundwater information. However, it is important for homeowners to learn about these water concerns. Could this be required disclosure in all real estate transactions?

IM #11 (p. 11-8): How will the County identify and evaluate conditions causing deterioration of water quality, supply, and yield? **Please make this very important IM concrete and measurable;** how can progress on it be monitored, and how will it be reported? What baselines are available? Will the necessary revisions to the regulatory documents be publicized? Will there be ongoing monitoring for compliance and results? The information in the Background Report indicates that major conditions causing the deterioration of our water resources are overdrafting and human-caused contamination. How can the County regulate these through the Zoning Ordinance and the Subdivision Ordinance?

WR-1.8 “Groundwater Basin Management” (p. 11-7): **Please make this very vague Policy specific and meaningful.** What does “take an active role in cooperating” mean? Going to meetings? Revising ordinances? Cooperating with whom? The Policy’s two Implementation Measures (#2, p. 11-7 and #11, p. 11-8) are discussed above; please incorporate those comments here as well.

WR-1.9 “Collection of Additional Surface Water Information: (p. 11-4): **Please make this very vague Policy clear and meaningful** because it is important; **please provide it with a concrete, measurable Implementation Measure** (it has none). How will the County “support” the additional collection of water quality and flow information? Who will compile and coordinate and analyze and report this information? How will this information be related to planning and land use policy- and decision-making?

WR-1.10 “Channel Modification” (p. 11-7): Please strengthen “discouraged” to “prohibited” in this important Policy (and also correct the agreement error: “Channel modification shall be . . . where it increases . . . *has* adverse effect . . . or *modifies* . . . recharge”). Please see above comment on **IM #6 (p. 11-12)** and incorporate it here also. **Please change IM #13 (p. 11-13):** “Stream crossing points *shall* involve a minimum disturbance . . . near natural drainages *shall be* avoided.”

11.2 Water Quality (GPR p. 11-8 ff)

WR-2 “To provide for . . . needs . . . and for the protection of the quality of . . . water . . . resources”: Somewhere under this Goal, perhaps under WR-2.1, or as a separate Policy, **the GPR should include a Policy stating that the County shall ensure no net quality reduction in the case of water transfers or exchanges serving a public purpose** (see Matrix p. 233, #1 under WR-1.3). The County must not transfer or exchange its high-quality water for water of a lesser quality.

The Policies and Implementation Measures in this section should be described and illustrated in the Background Report and the RDEIR and their effectiveness currently and over the life of the GPU should be discussed so that the reader could be informed of the County's authority and activity and results in this extremely important area. Water availability and quality are a chief concern of the County's residents, but **the GPU/RDEIR documents provide the reader with no clear idea of what is actually being accomplished in these areas.** Thus, the reader does not have sufficient information to evaluate whether the Goal of providing for the County's long-range water needs and the protection of its water quality can actually be reached. How much clean water will the GPU at buildout require? How much can we save? How much can we guarantee from supplies that we can measure and control within the County?

WR-2.1 "Protect Water Quality" (p. 11-4): This key Policy is supported by only two Implementation Measures, #12 and #14 (p. 11-13), both of which address soil erosion only. Please provide IMs for the other conditions referenced in this Policy. **Please include a specific reference to dairies,** as they are a major potential source of direct discharge, leaching from storage, floating debris, and runoff from the site; the County has at last begun to address these dairy issues, but is making very slow progress (when will the DSPEIR for the ACFP, in the works since 2001, be completed and adopted?).

[We are wondering whether anybody is actually reading our comments. If you are reading our comments, please call us at 559-561-0111. We'd love to hear from you.]

WR-2.2 "NPDES Enforcement" (p. 11-8): This Policy has three IMs, #12 and #14 on p. 11-13, and #15 on p. 11-14. The first two deal only with soil erosion. #15 should have the commas removed in its first sentence.

Does the second sentence in #15 say what is intended? Its "should" should be changed to "*shall*." The sentence as it is written says that channeling, etc. of waterways is prohibited until other modes of treatment are provided. The implication is that once the other modes are provided, then the channeling, straightening, and lining may occur. Is the intent that the channeling, etc. should be a last resort, and may not be considered unless alternative modes have been implemented and proven to be insufficient?

Isn't the most effective and cost-effective flood control the maintenance of natural floodways in their natural land forms with their natural vegetation? These could serve multiple purposes at very low cost (especially compared to the cost of channeling, straightening, and lining, and maintaining) as open space, habitat, groundwater recharge areas, and recreational preserves, remaining always ready to perform their natural function of flood control. The County's levee systems are already in disastrously poor condition, as discussed above and in the 2005-06 Grand Jury report. Let the floodways work as Nature made them.

WR-2.4 "Construction Site Sediment Control" (p. 11-8): Please specifically include dairies in this Policy, as they are required to comply.

WR-2.5 “Major Drainage Management” (p. 11-8-): This is an extremely important policy that **must be clarified and strengthened**. How will the County “promote” protection of the drainage basins? What “hydrologic and use characteristics” will be considered? The only implementation measure shown for this Policy is #3 (p. 11-12), which is also vague and incomplete, as discussed above. The County is at a critical juncture regarding its water supply: already too much of our water is contaminated, already we are consuming our supply far faster than it is being replenished; already we know that our imported water will be reduced and our snowpack is shrinking. **Please include strong, clear, direct policies and implementation measures to protect our ever-more-precious water basins.**

WR-2.6 “Degraded Water Resources” (p. 11-8): This very important Policy **must be made much stronger and clearer, and please provide it with a concrete, effective IM**. How will the County “encourage” and “support” the identification of degraded resources and “promote” restoration “where appropriate?” Where would it NOT be appropriate to restore water resources? Since we’re not making any more water, and the demands on our supply are ever-increasing, while our supply is shrinking, is it not essential to discover where we are losing this resource to degradation and do all that is possible to prevent and repair such degradation (preferably at the expense of the degraders whenever possible)?

The only IM listed as related to this Policy was, in 2008, #13 (p. 11-13), which has to do with minimizing soil disturbance in natural drainages. Now it has **IM#17**, which says that in the next 5 years (formerly by 2010) the County will amend the well ordinance to require deeper seals in areas of known contaminants.

This IM is not at all directly related to WR-2.6.

WR-2.7 “Industrial and Agricultural Sources” (p. 11-8): This Policy is also much too vague to be enforceable and its Implementation Measures, #6 on p. 11-12 (the County shall avoid destruction of established recharged sites by clustering development , avoiding lining channels and streams, altering existing agricultural practices, substitutions made of drainage methods) and #16 on p. 11-14 (the County “shall consider” expanding the role of the Water Commission to “examine” contaminant management), both have “ongoing” timelines, and don’t seem likely to be prove effective..

In the case of **IM#6**, where are the established recharge sites in the County? Where are examples of clustering development? What existing agricultural practices has the County altered? These approaches should be discussed in the Background Report and the RDEIR, with examples of their use and effectiveness. In the case of **IM #16**, given the level of and frequency of water contamination in the County, this casual approach seems designed to produce no positive effects at all. Please define how the County will “work with” agricultural and industrial concerns, and please provide concrete, measurable implementation measures, such as monitoring, inspection, and enforcement of strong ordinances. How long is the County going to “consider” expanding the Water Commission’s role? It’s already been well over 2 years since this

IM was written! Once the Water Commission, if asked, has examined contaminant management, then what? **Please include a charge to the Water Commission to analyze and recommend policies and implementation measures for education and BMPs re nitrates per the Salinas Valley model discussed on Matrix p. 246.** Nitrates are not being sufficiently specifically addressed in the Water Resources Element, but they are one of our most prevalent and unhealthful contaminants.

WR-2.8 “Point Source Control” (p. 11-8): How will the County “work with” the RWQCB? **Please clarify this Policy. What kind of inspecting, monitoring, and reporting will be done?** We are very concerned because it seems that efforts to manage water pollution in Tulare County are insufficient, in that so many wells, when tested, are contaminated. What would it take to get ahead of this problem? More funding? More staff? More monitoring wells? Better mapping? More inspection? Stronger regulations? Stricter enforcement? The only IM for this Policy is #6 (p. 11-12), which is discussed directly above.

WR 2.9 “Private Wells” (p. 11-9): It is wonderful to find a new Policy with a fairly concrete Implementation Measure (#17 on p. 11-14). **But shouldn’t the IM require deeper seals on all wells,** not just in areas of known contaminants? Wouldn’t that be safer? What if a well is being drilled in an area that hasn’t yet been tested for contaminants? How deep will the seals have to be? Will the required depth make allowance for the generally declining groundwater table? Unfortunately, this safety issue, previously scheduled for completion by 2010 (amending the well ordinance), is now postponed until 2010-2015. Please shorten this timeframe.

11.3 Water Supply (GPR p. 11-9 ff)

WR-3 (p. 11-9) has been revised. The Goal has been changed from “to assure that new development is consistent with available water resources” to “to assure that new *urban* development is consistent with available water resources.” **Why has this change been made?** The County permits significant non-urban development, such as confined animal facilities, that have tremendous impacts on water resources. **Please restore the original meaning by changing the wording to “assure that *all* new development is consistent with available water resources.”**

For this section also, the Background Report and RDEIR must provide much better information. How much water will be required at buildout of the GPU? Since our current water use is already unsustainable, how can we provide for a sustainable long-term supply unless we reduce population and/or drastically and permanently reduce current levels of consumption (domestic, agricultural, industrial)? How much can we document in water savings from each of the listed Policies and Implementation Measures? How many of these are proven? How many of them have already achieved about as much savings as they can achieve, so that their utility is already maxed out, or close to it (e.g., Supervisor Ishida has said that agriculture is already doing all that it can to save water)?

WR-3.1 “Develop Additional Water Sources” (p. 11-9): New language has been added to this Policy to strengthen and clarify it. It now says the County will not just “encourage,” but “shall *encourage, support and, as warranted, require*” the identification and development of additional water sources. It qualifies groundwater banking by adding “for recharge and infiltration.” It adds to promotion of water conservation programs, “and *support of other projects and programs* that intend to increase the water resources available to the County and reduce the individual demands of urban and agricultural users.”

How shall the County “encourage, support, and require” identification and development of additional water sources? Who would do the identifying and development? Does the County own any water sources, water storage reservoirs, or groundwater banking areas? To what extent can the County “require” identification and development of additional water sources? Can the County require water conservation, reuse, and recycling? Can it require groundwater banking for recharge and infiltration? If so, is it already doing so? If not, why not?

How will the County “promote” water conservation programs? How much control does the County have of water development, water use, and water conservation in the County Service Areas? The Matrix (p. 237, top) states that **surface water rights are 100% allocated in our County. Are any of the surface water rights allocated to the County, or otherwise controlled by the County?** Does the County have any groundwater rights? Is the County doing any groundwater banking? **This information should be discussed in the Background Report and the RDEIR.**

The RDEIR mentions, for example, that “Considerable planning is underway relative to development proposals along the Highway 99 corridor in the Deer Creek/White River watershed. The maintenance of the groundwater reservoir through this area is dependent on the continued capability to have surface water sources available for delivery into the area. Natural recharge of the groundwater reservoirs underlying the communities of Earlimart and Pixley is insufficient to sustain the agricultural plantings in the area and the community water systems.” **How does WR-3.1 apply to this situation, and others like it in the County?**

Two IMs are now listed for this Policy. #10 (p. 11-13), shown as “ongoing” says the County will incorporate provisions, including evaluating incentives, for the use of water conservation techniques into the building, zoning, and subdivision ordinances. Has this already been done? Have the incentives been evaluated? This information should be provided in the Background Report and RDEIR. IM#17 is the good old amend the well ordinance to require deeper seals. How does this relate to developing additional water sources?

Please make this Policy clear and enforceable and provide trackable Implementation Measures.

WR-3.2 “Develop an Integrated Regional Water Master Plan” (p. 11—9-5): Strong leadership is needed in this key area, immediately and in the long run, but this Policy has been considerably watered down from the 2008 version. No longer will the County “*take the lead* with other agencies and organizations.” Now the County will only “participate.” The scope of activities to be “enhanced” has been positively expanded (with the addition of

“data collection, reporting and public outreach efforts”), but **no longer** are the efforts to “*ensure that an integrated regional water master plan and implementation program for the entire County is developed and maintained.*” Now the efforts are only “to support the development and implementation of appropriate Integrated Water Management Plans within the County.” **Why has this change been made?**

The **Implementation Measures listed are now #3 (p. 11-12), “assure that all watershed planning is done on a complete regional and watershed basis” (ongoing); #17 (p. 11-14), the astonishingly versatile well seals amendment; and #18(p. 11-9), which says only that the County “will participate” in IRWM Plans (2010-2015) –this IM in 2008 said that the County “will take steps” To prepare and maintain an IRWMP. So now we have a Policy to participate implemented by a measure to participate.**

The Background Report and RDEIR should explain the **County’s role in the IRWMP process** and explain the purpose and importance of the process to Tulare County. Given that Tulare County is facing a water supply crisis and is one of the poorest counties in California, and given that State funding for water resource research and development is likely to be channeled via IRWMPs, why isn’t the County taking the lead in this process?

WR-3.3 “Adequate Water Availability” (p. 11-9): This new policy (required by legislation) is obviously necessary, given our many communities in “Can’t Serve” status; no development whatsoever should be allowed without prior evidence of adequate and sustainable water supplies. Doesn’t the law require such proof only for subdivisions over 500 units (or equivalents)? **Neither WR-3.3 nor its IM #19 (p. 11-14) indicates any number of units. Please clarify whether this policy will be applied to all new development proposals, regardless of size.** (Appendix C to the Background Report, p. C-25, notes that the cities of Visalia and Tulare are extending the intent of the legislation to all levels of development, along with overdraft mitigation requirements.)

Why has IM# 19 been reworded from the 2008 version in a manner that **appears to definitely weaken it?** The second sentence in the **2008 version said that “the new ordinance shall *eliminate current waiver provisions* and *require well pump tests* to demonstrate water supply capabilities.” The new version says “the new ordinance shall *evaluate* current waiver provisions and *evaluate* well pump tests requirements.” The 2008 GPR scheduled this ordinance for adoption by 2010. Now this critical ordinance is scheduled for 2010-2015. **Please give it a higher priority, given our impending water crisis, and please restore the requirement to eliminate waiver provisions and to require well pump tests.****

This Policy does not, but **should**, also address the potential **impact of proposed new water use on the adequacy and sustainability of water supplies to adjoining or nearby areas. The well pump test must also be evaluated for impacts to neighboring existing wells and water supplies.** If a new development goes in and reduces the output of the pre-existing well on the next parcel, or pulls the groundwater table so low that the pre-existing well no longer can reach it, **mitigation or restitution should be required for such an adverse impact if it actually occurs. Please include a requirement for such mitigation as part of this Policy.**

PFS-2.3 “Well Testing,” p. 14-6 states that new development must “be accompanied by evidence that the site can produce needed water without impacting the ability of existing wells to meet their needs.” However, it does not describe the evidence, it doesn’t state when the evidence must be provided, it doesn’t have an Implementation Measure, it doesn’t say when the policy will be implemented, and it doesn’t mention any recourse or restitution for users of existing wells who actually do suffer adverse impacts from the water production of the new development

WR-3.4 “Water Resource Planning” (p. 11-9): How can “continue” be a New Policy (“continue” implies an ongoing activity, unless the implication is that the County was going to stop participating)?

Implementation Measures for this Policy are #17 – the ubiquitous deeper well seals; #18, the County’s participation in IRWMPs – both on p. 11-14; and #20, p. 11-15, that the County shall “consider expanding the duties of the Water Commission.” “Considering” something does NOT constitute an Implementation Measure. Please provide a clear Policy and a concrete, measurable IM for this essential goal of water resource planning.

WR-3.5 “Use of Native and Drought Tolerant Landscaping” (p. 11-9): If, legally, the County can do more than “encourage,” please change the language of this weak Policy, to “require.”

IM #10 (p. 11-13) states that the County shall incorporate provisions for the use of reclaimed wastewater, water conserving appliances, and drought tolerant landscaping, and other water conservation techniques into its building, zoning, and subdivision ordinances. The timeline is “Ongoing.” Are these provisions mandatory, or do they also only “encourage?” Is the County requiring all of these measures to be implemented in its own buildings and operations?

IM #21 (p. 11-15) states that the County’s water efficient landscape ordinance will be consistent with the DWR Model Water Efficient Landscape Ordinance. The DWR’s ordinance should be stronger and is currently being revised. **The County should adopt the revised measures of the DWR ordinance, as a minimum, immediately (isn’t adoption mandatory in 2010?)..**

IM#21 (p. 11-15) says the County shall maintain and implement its landscape ordinance consistent with the DWR Model Ordinance (timeline 2010-2015). But **the County should adopt and enforce measures stronger than those in the Model Ordinance, since almost all of our population lives in the desert Valley (Visalia averages about 10” of rain per year), and our water situation is much more dire than that of many of the State’s counties. The County should require all development to install a very high percentage (say, at least 80%) of landscaping materials that are native and drought tolerant. Strictly limit grass lawn areas to a very small percentage (say 5% -- lawn grass is the number one crop in American) of landscaping (grass lawns should be only in recreational areas where they will be actually used, NOT in street borders or along walls or in yards in general; about 60% of domestic use is for outside the home, mostly for watering landscaping) , and require regular mulching of all other landscaping.**

Require intelligent irrigation monitors with weather sensors, and allow irrigation only at night. All irrigation should be micro-drip, regularly inspected; run-off or overspray should be prohibited.

WR-3.6 in the 2008 GPR was “**Agricultural Irrigation Efficiency**” (p. 11-5). It required the County to support educational programs targeted at reducing water consumption on agricultural lands and enhancing groundwater recharge.: **Why has this Policy been deleted from the current GPR? Is the County no longer intending to make any effort to address responsible water use on agricultural lands and enhancing groundwater recharge? Please restore this Policy to the GPR and state in it how the County will “support” these educational programs? Financially? Through regulations? Please clarify this Policy and provide it with a concrete, measurable IM.**

NOTE that **IM #23 (p. 11-15 in the current GPR)** pertains to an education program for “residents” regarding water conservation; it references **WR-3.8** as its Policy. Could this IM apply to the Agricultural Irrigation Efficiency Policy as well, or are “residents” being differentiated from “agricultural” users? **Please clarify, and ensure that there is an IM at least equal to #23 for the restored and improved WR-3.6, because agricultural uses account for by far the greatest percentage of the County’s water use (doesn’t agriculture use 85 -90% of the total?).**

WR-3.6 Water Use Efficiency (p. 11-9) has replaced the previous **WR-3.6** in the 2010 GPR. This revised version no longer mentions agricultural lands, but otherwise reads the same, and has **IM#10 (p. 11-13, already discussed above) and IM#23 (p. 11-15)**, which says the County will develop an education program to inform residents of water conservation techniques and the importance of water quality and adequate water supplies. This program was to be developed by 2010 in the 2008 GPR. Now it’s scheduled for 2010-2015. **Information about water conservation is important. Requirements for water conservation are more important.**

The **Tully and Young Phase I Water Supply Evaluation** prepared in **June, 2009**, and included in the **RDEIR as Appendix G** describes the County’s enormous groundwater overdraft and its huge reliance on imported water, runs through a bunch of hypotheses and calculations, and concludes that **the General Plan buildout won’t change things much regarding the County’s water use and water supply**. Except that we might experience more subsidence, which might affect our ability and capacity to store **water underground (the source of almost all our urban water; barely mentioned is the effect of subsidence on wells, canals, and pipelines)**. And that since urban development uses less water than average irrigated cropland (even though it eliminates groundwater recharge areas, increases runoff and flooding, and creates loads of wastewater), we won’t really have any net increase in demand.

Footnote #5 (Appendix G, p. 6) notes that “**Importantly, farmland categories do not include confined animal agriculture, which Department of Conservation treats separately.**” Confined animal agriculture plays a huge and increasing role in Tulare County’s economy. **The RDEIR and the Background Report must be revised to include a comprehensive description and evaluation of this sector of County agriculture in terms of its demand on water supplies and its impacts on water supplies (e.g., nitrate contamination);** the reader cannot be

properly informed without this information. **Where is this information factored into the calculations in Appendix G? Where does Appendix G evaluate groundwater contamination extent?**

It should also be noted that the County appears to be determined to allow major New Town development to occur in the foothills, where significant groundwater supplies are scattered and uncertain. This development would not “use less” than water currently being used for irrigated agriculture, since almost none of foothill agriculture is irrigated, but would instead require extensive conveyance of water from other sources into the foothills, meanwhile disrupting and degrading the foothill watershed. Where does Appendix G discuss the impact of this type of development on the projected water supply? This information must also be presented in the RDEIR and the Background Report.

Appendix G leaves the reader with the impression that all will be well at buildout of the GPU because we’ll only be using about the same quantity of water that we are today. It doesn’t address whether there’s any way to evaluate whether we’ll have any groundwater left by then, Could 20 more years of overdrafting (currently 41%-- among the highest in the State -- of our water budget) exhaust or destroy our groundwater supply? It says that Tulare County’s farmers have already implemented most of the cost-effective opportunities for irrigation efficiencies, and so projects only a 5% demand reduction as possible for agriculture (versus a possible 10% for urban uses). It does not discuss what efficiency measures have been implemented nor does it discuss agricultural water uses for other than irrigation (e.g. dairies).

Appendix G touches on the impacts of climate change on pp. 29-30, but does not state how or if it has made any attempt to quantify and project these impacts in its forecast of the GPU buildout conditions (nor does it discuss the impacts of increased pumping and conveyance of water on GHG emissions and climate change). Tulare County’s snowpack has already been decreasing, on average, over the last 50 years, and its runoff is already coming earlier, and its recharge patterns are already changing, and its groundwater is already declining. These changes are occurring not just in Tulare County, but in the other counties on which Tulare County depends for its imported water supply, which will almost certainly jeopardize and reduce the availability of water that our County can import. The RDEIR and Background Report must analyze and evaluate these impacts and should make the best attempt possible to look at all the factors that must be considered and present what could likely be the worst case scenario, so that the GPU can take that into account in its land use and development Policies and Implementation Measures.

Many other questions arise from a reading of Appendix G (e.g., why does it use the City of Fresno’s Urban Water Management Plan [p. 9] for land-use mix when Fresno is not in Tulare County and is not typical of any urban area in Tulare County, how statistically and analytically valid is its selection of single year [2003, p.2] as an “average year” and using that for its analysis and projections, etc., etc.). The GPU/RDEIR documents must be extensively revised in order to fulfill their responsibility to provide the information necessary to effective understanding and decision-making with regard to water resources and the GPU.

WR-3.7 “Emergency Water Conservation Plan” (p. 11-9): What are the County operated water systems mentioned in this Policy? This New Policy indicates that the County does not yet have such a plan, but the **Implementation Measure (#22, p. 11-15)** seems to imply that the plan already exists (since the timeline is “Ongoing”), and that a priority of consumptive uses is to be developed for it. **Please clarify:** Does the Plan already exist? When will the priority of uses be developed (without a date, this IM cannot be measured)?

WR-3.8 “Educational Programs” (p. 11-10): How will the County “encourage” the development of these important programs by water purveyors and public agencies?

IM (#23, p. 11-15) states that the County itself “shall develop an education program.” Does this mean that the County will develop the program by encouraging others to develop it? **Please clarify.** Also, please explain how this Policy differs from WR-3.6 (p. 11-9); they both have the same Implementation Measures (#10 and #23)..

WR-3.9 “Establish Critical Water Supply Areas” (p. 11-10): How will the County designate these areas? Don’t almost all of the urbanized areas in the County (and over 95% of the County’s residents) rely almost totally on groundwater for their water supplies? Are some of these groundwater basins interconnected? Are some of them dependent on the same groundwater recharge areas? Are many of the recharge areas being paved over by urbanization and infrastructure? Does the County already have this information? Once the Critical Water Supply Areas are designated, then what? **The Critical Water Supply Areas should be discussed in the RDEIR and the Background Report, along with the County’s measures to protect them and their effectiveness.** Five IMs are listed for this Policy:

IM#17 (p. 11-14) is the ever-ready deeper well seals ordinance amendment. **IM #24 (p. 11-15--10)** lists many good protection practices, which should be applied as universally as possible in the County, due to its water emergency. This is shown as “ongoing.” Are these regulations already in place and being enforced? If so, where are they? Are they County ordinances? State or federal law?

Is **IM #25 (p. 11-15)**, amending County ordinances over the next five years (formerly by 2010) to protect groundwater basins and surface drainage areas, the method by which IM #24 will be implemented?

Is **IM #26 (p. 11-15)**, establishing the development of design standards over the next five years (formerly by 2010) basically the same as IM #25? **IM #24** says “regulating,” **IM #25** says “amend County ordinances to include development standards,” and **IM #26** says the County shall establish development or design standards.” **These appear to be redundant. Please clarify.**

IM #27 (p. 11-15) has been significantly changed from the 2008 version, which said that the County “shall identify a system of critical water supply, water transfer and groundwater recharge areas on a map.”

The current version states that the County “shall identify a system of *critically inadequate water supply*,

water transfer facilities, and groundwater recharge areas on a map.” The timeline for identifying the areas on a map has been delayed from sometime between 2010 and 2015 to 2015 to 2020. The rewording indicates that the County, five to ten years from now, is *not* any longer going to “draft an ordinance relating to the care and maintenance” of all of our critical water supply and transfer and recharge areas, but **ONLY** of those parts of the system that are “critically inadequate,” which by then will probably be more extensive than they are now. Given the County’s impending water crisis, **please move this timeline up to 2012 at the latest. How much development is the County likely to approve in the interim, by 2020, without the benefit of IMs #24, 25, and 26, which have timelines of ongoing and 2010-2015? How can these IMs be implemented before the critical water supply areas are mapped (the map isn’t due until 2015-2020)? Who are the stakeholders referred to in IM #27? Will the proposed ordinance in IM #27 use terms such as “encourage,” and “discourage” as indicated, making compliance with “care and maintenance” of the “critically inadequate” facilities and areas optional?**

These issues need to be discussed in the RDEIR and Background Report. Doesn’t the County already know where the critical water supply, water transfer and groundwater recharge areas are? Why is the County no longer planning to address all of these? Can’t it already map them, using GIS? How will it identify the “critically inadequate” supply, transfer, and recharge components? What are some examples of these? **Why can’t they be identified now on a map, and an ordinance drafted now, so that we can start dealing with them now, before they become totally inadequate?** With full disclosure in the GPU/RDEIR documents of this situation, the public and decision-makers will be better able to determine how high a priority this implementation measure should be.

WR-3.10 “Diversion of Surface Water” (p. 11-6): This sounds like a good policy, but it has been changed from “shall be prevented” (in the 2008 version) to “should be prevented” in the current version. “Should” is not a Policy; **please restore the “shall.”** **Implementation Measure #6 (p. 11-12)** is now indicated as the IM for this Policy, but it is written to apply only to “destruction of *established recharge sites*.” Where are those sites? Are they the ones that were going to be identified on a map via **IM#27**, but are no longer going to be addressed unless they are “critically inadequate?” **Please clarify and provide a concrete IM**

WR-3.11 Policy Impacts to Water Resources (p. 11-10): Once the County has evaluated the effects of federal and State level actions on County water resources, what will it do?

11.4 Acronyms – DBCP is stated to be the acronym for Chemical Decachlorobiphenyl; isn’t **DBCP dibromochloropropane?** [The Acronyms section is now gone from the Water Resources Chapter.]

WATER RESOURCES, Section 10.2, BACKGROUND REPORT (BR p. 10-1 ff):

NOTE that the RDEIR basically repeats the information in the Background Report, so these comments apply equally to the RDEIR and should be read as such.

BR p. 10-5 refers to AB 3030 (Water Code Section 10750 et seq.), which authorizes local agencies to adopt groundwater management plans and to impose assessments to finance the cost of implementing the plans, and states that about 150 local agencies have adopted such plans. The County's groundwater is being contaminated, hugely overdrafted, and more and more obstructed from recharge. Why doesn't the County adopt a groundwater management plan? Several policies and IMs relating to groundwater are presented in the GPR, but a groundwater management plan isn't mentioned. Wouldn't it be more effective to coordinate, fund, and implement these policies through a comprehensive groundwater management plan?

BR p. 10-6 states that over 30% of the state's runoff is not explicitly designated for urban, agricultural, or environmental uses and so is "depleted from the hydrologic system as outflow to the Pacific or other salt sinks." This implies that this water is somehow wasted, as if it is not essential, for maintenance of the hydrologic system and the ecosystems that it supports, for outflow to reach the Pacific. In the long run, we are utterly dependent on the proper functioning of earth's hydrologic systems, and the great natural resources of the Bay Delta and our coasts (not to mention those of our rivers, wetlands, streams, etc.) are already being severely taxed, and in too many cases destroyed, by our interference with the state's hydrologic system. Please revise this paragraph accordingly.

BR p. 10-13 states that Tulare County water supplies are 37% local, 31% imported and 32% groundwater (but the GPR on p. 11-3 says that there are four major sources: groundwater, local streams and rivers, imported surface water, and imported surface water by exchange). It says nothing about the likely effects on County water supplies of global climate change or of pending settlement of litigation regarding imported water. It says nothing about the long-term effects of our huge overdrafting of County groundwater. It states that we use nearly 1/3 of the water for agriculture in the entire state, but that our agricultural water use should decline as land is removed from agriculture use through urbanization and retirement of lands in areas of poor soils and drainage (it gives no estimate of what amount of reduction in agricultural demand might occur over what amount of time). Of each of the sources of supply (local, imported, and groundwater), what percentage goes to agricultural use and what percentage to domestic use? What is the likely reduction projected for agricultural use? Doesn't our domestic supply presently come almost entirely from our declining (and increasingly contaminated) groundwater supply? Will all our sources of supply likely be reduced by the impacts of global warming/climate change?

BR pp. 3-90 and 3-91 discuss some of the County's water contamination problems, including fertilizers and pesticides that can increase salinity and toxicity, large amounts of irrigation water increasing salinity (and

overdrafting), and nitrate and arsenic contamination (which have caused numerous County wells to be taken out of service and jeopardized many communities' water supply and capacity for growth). **It does not address whether these contaminants can be removed from water supplies, and, if so, what the costs would be.** The only Implementation Measure even peripherally addressing this issue is #11 (GPR p. 11-13), which says only that the County "shall identify and evaluate conditions within established watersheds which are causing deterioration of the water quality, water supply, or declining water yields. The County shall institute the necessary revisions to regulatory documents . . . to mitigate these issues." **But what about the water sources that are already too contaminated to use?**

Correctories dated January 25 and February 26, 2008, were issued to correct and supplement the Background Report dated December 2007. The first correctory includes "Appendix C- Water Resources, Revised July 2007." This now appears as **Appendix C to the Background Report** (no revision date).

Average Groundwater Elevations: Page C-3 of BR Appendix C states that Figure 4-8 (which was not provided with this correctory, but was then issued in the second correctory, dated February 26) is presented as "an indication of the type of information which is available for the cities and communities located within the County." Figure 4-8 shows that from 1986 to 2005 the average static elevation of groundwater at the City of Visalia has declined from about 50 feet to about 100 feet, and the **average pumping elevation has declined from about 85 feet to about 135 feet (with a recent drop to below 140 feet).** The text on page C-3 explains that "Typical of all communities with groundwater as the principal source of supply, conversion of land from agricultural use to urban use" **has changed the source of supply from conjunctive use of surface and groundwater to exclusively groundwater, resulting in a decline in the volume of water available in the groundwater reservoir and an increase in the distance from which that groundwater needs to be mined."** Since virtually all of Tulare County's urbanized areas depend almost entirely on groundwater for their supplies, and since virtually all of them are located on agricultural land being converted to urban use, **then are all of them, like Visalia, experiencing substantial increases in their depth to groundwater and average pumping elevation? If this information is available for the County's communities, then the GPU/RDEIR documents, to adequately inform the public and decision-makers about what is happening to the County's groundwater supply, must provide it.**

What are the impacts of this increasing depth? How much more does it cost to bring water up from 50 feet deeper? How much more energy is required, and how much more pollution does that cause, and how much does that increase GHG impacts on global warming? Do we know the maximum depth of the groundwater basin? Can we calculate what a 50 foot drop means as a percentage of the available supply? Do we have a way to calculate the reduction in groundwater? GPU/RDEIR documents must make a good faith effort to address these critical issues and their cumulative direct and indirect impacts.

For what period of time have these Average Groundwater Elevation data been recorded? Is the change shown in Figure 4-8 typical of the pattern over the entire time for which records are available? Page C-10 indicates that the **declining groundwater has also affected agriculture**: “Depth to groundwater impacts and associated cost impacts related [to] energy consumption are further contributing to this shift in cropping patterns.” How much is this higher energy consumption impacting GHG emissions? And, of course, the impacts of global climate change will almost certainly cause further pumping increases, in a long cycle.

Please provide County-wide information in text and graphic form in the GPU/RDEIR regarding this fundamental issue.

Radiological Test Results: Page C-4 of BR Appendix C mentions that “Attention is paid, on a continuous basis, as with any foothill or mountain system, to radiological test results.” Please **explain why these test results are important. Does this imply a public health and safety issue in the foothill development corridors and the proposed New Town of 30,000 residents, Yokohl Ranch, and in the Mountain Service Centers? Is it a factor to be considered in projecting growth and development?** There is some discussion of the water supplies for 5 of the communities in the foothills and mountains, but no discussion of whether they are at or near capacity, or what amount of population growth they could surely accommodate on the basis of their supplies, nor any discussion of what population growth is projected for these communities under GPU buildout.

The GPU/RDEIR must be revised to provide a much clearer picture of where the County proposes to direct growth in the unincorporated areas and what the reliable capacity of those areas is in terms of water supply to accommodate that amount of growth through the life of these urbanizing areas. A reliable, clean water supply is a chief priority of the people of Tulare County, and the GPU/RDEIR must thoroughly and honestly provide information on this essential subject, for all areas being designated for growth, sufficient to enable confident and responsible planning with full consideration of the environmental impacts of these decisions and how the impacts can be avoided or meaningfully mitigated..

Kings River Watershed: Pages C-6 and C-7 of BR Appendix C state that groundwater is declining in this watershed also, increasing the demand for surface water (with an almost 2:1 ratio of surface water requested between contract supply and anticipated firm yield in the Hills Valley I.D.) The groundwater management plans in this watershed encourage groundwater recharge policies to abate the decline in the amount of water in storage and static levels. **Are these recharge activities producing a positive effect? To what degree can managed recharge activities alleviate declining groundwater supplies? Can these activities suffice to offset the effects of increasing urbanization (and increased water-intensive agriculture) on groundwater?** Page C-7 indicates that there is already an almost 2:1 ratio of surface water requested by landowners within the Hills Valley I.D. between contract supply and anticipated firm yield, and that withdrawals in excess of safe yield increase with distance from the foothills, with declining groundwater.

Water Quality: Page C-7 in BR Appendix C describes man-induced contamination problems from fertilizers, pesticides, and herbicides (many of which have been banned, but continue to have residual effects), often caused by improper application of these chemicals, and states that every community in the Kings River Watershed is impacted by water contamination. Page C-8 states that the Alta Irrigation District has entered into an MOU with the Cutler PUD and the Orosi PUD to evaluate the technical and economic feasibility of a surface water treatment plant that would use water from the Kings River supplies of the Alta I.D., introduced into the Friant-Kern Canal by exchange, to provide water to East Orosi, Orosi-Cutler, Sultana, and Dinuba to resolve their groundwater quality issues. What would be the likely timeframe for this surface water solution? Where would the money come from? How reliable is the surface supply? What are the impacts of this situation on future development in the Kings River watershed portion of Tulare County? The Background Report/RDEIR must substantively discuss these issues in order to properly inform the reader.

Kaweah River Watershed: Page C-8 of BR Appendix C states that the City of Visalia exchanges its CVP Cross Valley contractual water supply with the Hills Valley I.D., with the City making use of Kaweah River supplies held by a grower within the Hills Valley I.D. Page C-11 says that this exchange arrangement allows the City to hold its water in trust until a determination is made as to its future disposition. Is this a description of water banking? Please explain these facts in the GPU/RDEIR in terms of their significance to an understanding of the County's water resources and the GPU. Is Visalia's arrangement a typical one? Does it affect reliability of water supply or ability to accommodate growth? Who makes the decision regarding the future disposition of the trust water, and what are the options for its use? Is this a good example for other urbanized areas to follow?

TABLE II: CVP Contract Quantities Kaweah River Watershed (p. C-9, BR Appendix C): The facts in this Table are presented without comment or explication. Are the five entities listed the only recipients of CVP water in the Kaweah watershed? Can the Irrigation Districts use their water for any purpose they choose to (e.g., do they have to use it exclusively for irrigation, or can they trade or transfer or sell it to other entities – inside or outside of the County, or could it be used to support residential or other types of development)? Only about 1/3 of Exeter I.D.'s contract quantity is Class I water, only about half of Ivanhoe I.D.'s is Class I, and only about 1/3 of Tulare I.D.'s is Class I, so the great majority of this water is Class II and therefore uncertain. Does this mean that as groundwater continues to decline and as global warming increasingly affects our area, there is also likely to be less CVP water available to take the pressure off groundwater supplies and to recharge groundwater? Please inform the readers of the GPU/RDEIR: what are the implications of this for land use planning, intensive agricultural uses, and projected population growth?

Groundwater Trends: Page C-10 of BR Appendix C states that the Kaweah Delta Water Conservation District (KDWCD) recently found that "the overall underground reservoir" was being overdrafted at 17,999 to 36,000

acre-feet per year. Is there only one underground reservoir in Tulare County? Are the locations, dimensions, and relationships among the underground reservoirs in our area known? The **“static groundwater trend is ever decreasing, as is the corresponding quantity of water being held in storage in the groundwater reservoir”** per Visalia’s information. SWP water has **“helped to abate the more serious decline in groundwater levels in eastern Kings County and to “abate the outflow of water from lands within Tulare County to lands within Kings County.”** This implies that Tulare and Kings counties share at least one underground reservoir. **Please provide in the GPU/RDEIR a graphic overview of what is known about these underground reservoirs.** Have some of them already been sucked dry? Do we know whether others are close to exhaustion?

The February 26, 2008, correctory provides **“Figure 4-7 – Groundwater Elevation Contours from Kaweah and Tule Groundwater Basin Maps for Spring 2004. Lines of Equal Elevation of Water in Wells, Unconfined Aquifers published by California Department of Water Resources.”** . Why is this snapshot view of groundwater elevation contours offered? Was the map for Spring, 2004, selected because it is significant for some reason? For how many different years of data have these maps been produced? Would comparing them increase our understanding of the groundwater situation and groundwater trends? Page C-3 of Appendix C states that **“the purpose of the figure is to indicate the type of information which is available from public sources such as the State Department of Resources.”**

Please interpret this Figure and put it in context. Like so much of what is presented in the Background Report/RDEIR related to water (and most of the other topics discussed), this information seems fragmentary, random, unexplained, and unrelated to the other information presented. This does not allow the public and decision-makers to gain a useful understanding of the County’s water situation. Please revise the GPU/RDEIR to correct this problem.

Page C-10 of BR Appendix C states that **Kaweah River Watershed is contaminated** in various locations with DBCP, herbicides, pesticides, fertilizers, dry cleaning solvents, and petroleum fuels. It states that **some purveyors have installed surface water treatment facilities on selected water extraction facilities, but it does not describe the location, cost, volume, or efficacy of these treatment facilities.** It states that **the principal method for dealing with contaminant-related issues is to shift to another area where water quality problems are absent,** but it does not discuss the relative costs or the sustainability of this approach.

It states that **“petroleum hydrocarbon contamination is an on-going process which has further impacted the availability of groundwater for consumptive purposes in numerous locations,”** but it does not state the source of this contaminant, where these locations are, or whether the hydrocarbon contamination is irremediable. **How do these contamination issues affect land use planning and future growth and development? Can the contaminated water be used for purposes other than human consumption (e.g., for irrigation or for industrial use)? These critical**

issues must be discussed in the GPU/RDEIR in a manner that makes them relevant to the land use and planning functions of the GPU.

Deer Creek/White River Watershed (p. C-14 ff, BR Appendix C): With the lowest elevation watershed in the County, this area has the highest dependency on imported surface water (CVP Friant Division contracts designed to abate overdraft and groundwater decline) for viability of its permanent crops and increasing number of dairies and their support lands; increasing water costs have significantly reduced its cotton acreage. Ironically, in very wet years, this area (e.g., Earlimart and Hwy. 99) is subject to flooding. **The GPURDEIR documents must discuss how these factors affect land use planning and future growth and development for urbanized areas in this watershed.**

TABLE III: CVP Contract Quantities – Tulare [this should be corrected to Tule] River Watershed (BR p. C-13) shows a great reliance in this watershed also on Class 2 water. The text below states that the Tule River Watershed has the highest population impacted by lower quality groundwater (contaminated with nitrates, chlorides, and DBCP) in the County, with the City of Lindsay, the Lindsay-Strathmore I.D. (serving the Tonyville and Strathmore areas), and the Strathmore PUD having had to construct and operate **surface water treatment plants to treat water from the Friant-Kern Canal**. Nitrate contamination in east Porterville and Plainview necessitated extensions of pipelines from the City of Porterville into the unincorporated area, while the Sunnyside School extended a pipeline from the Strathmore water treatment plant. Plainview's problem remains to be solved, while proposed changes in water quality parameters for radon and arsenic could put other systems out of compliance with state and federal drinking water criteria. The County's efforts to implement an improved program for destruction of abandoned wells is mentioned (page C-14), but where is a related Policy or Implementation Measure in the Water Resources Element of the GPR?

The GPU/DEIR must discuss the environmental ramifications of these issues, and how they affect land use planning and growth and development in this watershed through buildout of the project.

Project Development Considerations (p. C-11, BR Appendix C): The City of Visalia's land-based charge to develop groundwater management programs, purchase surface water for recharge, and purchase water rights for delivery into areas impacting the groundwater reservoir underneath the City is mentioned, along with the City's land-based charge on lands being converted from agricultural to urban uses to address the shift of water supply from conjunctive use to exclusive groundwater. **It is not stated when this program started or whether it has been determined to have a positive effect. If so, could other Tulare County communities adopt such a system for their own urban needs?** Again, the facts presented in the GPU/RDEIR must be made relevant to the essential planning and land use information that must be conveyed by these documents.

Development along the Hwy. 65 corridor has severely overdrafted the groundwater, causing adverse water availability and quality conditions. Efforts to recharge groundwater basins are underway, but no results are

indicated. Page C-17 indicates that the **Mid-Valley Canal program is inactive due to lack of available supply for long-term contracting** and that Friant Division CVP water is being used primarily to try to reduce groundwater declines.

Again, **this information must be specifically related by the GPU/RDEIR documents to the GPU project plan, impacts, and alternatives.**

Groundwater Quality (p. C-18, BR Appendix C): South of Terra Bella, specially designed wells are being used to select water from only identified aquifers in order to meet drinking water standards, but available quantities are limited because “taking water from too shallow of a zone, or from too deep a zone, results in significant diminishment of the quality to be delivered.” **What are the implications of this for land use planning and the future of agricultural development and population growth in this area; please discuss appropriately in the GPU/RDEIR.**

Page C-19 (BR Appendix C) states that “natural recharge of the groundwater reservoirs underlying the communities of Earlimart and Pixley is insufficient to sustain the agricultural plantings in the area and the community water systems” especially since additional plantings near the communities are predominantly permanent in nature (as compared to annual crops), and community demands are growing, while delivery of Friant Division CVP water supplies on which the communities depend may be impacted by litigation. **“The development of a response plan to address reduction of surface water deliveries . . . remains to be developed.”**

The RDEIR states that Pixley’s water system can’t meet fire flows, has major arsenic problems, and lacks capacity to serve projected growth, with significant difficulties likely in expanding to meet projected demand. The GPU/RDEIR must discuss how this information about these communities’ water supplies is affecting planning and land use decisions for these areas.

Page C-22 (BR Appendix C) states that for the area along the Hwy. 99 axis, **“Absent the imported CVP supplies, groundwater depths would reach levels where current commodity returns would not allow for economic recovery.”** Table IV on p. C-16 indicates that about 40% of the Delano-Earlimart I.D.’s CVP water is Class 2.

How will the Friant-Kern litigation settlement impact the potential for growth and development in this area? Even if Class 2 water remains available to this area, how much additional growth and development can it support? This area used to have artesian water. Earlimart (per Background Report, p. 7-17) now has 600 foot deep wells, pumping at a water level of 250 feet, and the water system is operating at approximately 88% of capacity. **How far down is it to groundwater in the other communities in this corridor? How rapidly is the groundwater level falling?**

What are the likely impacts of accelerating global climate change on the availability of imported water, and what are the likely impacts of the energy use and emissions of continually greater pumping on global warming?

How will the County's declining groundwater, increasing water quality problems, and decreasing imported water supplies affect its agricultural economy and its ability to provide reliable, clean water supplies to its every-growing population?

Per page C-22 (BR Appendix C), water quality on the westerly side of the Deer Creek/White River Watershed is unacceptable due to arsenic, microsand, and various gases (such as hydrogen sulfide, methane, and natural gas). Alpaugh is trying to determine whether an "affordable method of arsenic reduction" can be developed, and is in "Can't Serve" status. The GPU/DEIR must discuss these issues in relationship to projected growth and development in this area.

Surface Water Supplies (BR p. C-15): This section illustrates the precariousness of many of the County's communities' water supplies, stating that lands developed along the Highway 65 corridor were dependent originally on groundwater, but as this supply proved incapable of sustaining the development without severe overdraft conditions and adverse water quality conditions developing, 20-year contracts were entered into with the Federal Government for water supply from the Delta, in conjunction with construction of the Cross Valley Canal; now this supply is based on a series of interim renewal contracts. Longer term contracts are being negotiated. **The GPU/RDEIR must discuss how this inability to support even existing development without depending on imported water affects planning and land use in the GPU.**

Integrated Regional Water Management Plans (p. C-19 ff, BR Appendix C): The text indicates that IRWMPs are needed to acquire state funding, but the funding is hard to get, and Tulare County doesn't seem to be one of the State's priorities. A coordinated County-wide Plan would probably have more clout, but **IM #18 (GPR p. 11-14)** says only that the County "will participate in" Integrated Regional Water Management Plans.

Appendix C (p. C-20) states that "The absence of any infusion of state bond money related to water resources into the county will significantly curtail both planning and implementation efforts as the county strives to deal with the demands imposed by increasing population on the available water resources."

The GPU/RDEIR must specifically discuss what steps the County means to take and provide a definite deadline for completion of its IRWMP. The GPU/RDEIR must also specifically and concretely discuss the meaning and implications of the statement that without state water resources bond money, the County will have to curtail planning and implementation efforts.

Water Quality (p. C-20 ff, BR Appendix C): The text points out that the RWQCB is taking action to terminate the 20-year agricultural water quality waiver for the Central Valley, replacing the long-term waiver with a short-term

waiver and requiring water quality sampling, testing, and reporting at identified points on waterways, with the legislative push apparently favoring increased testing and reporting. Legislative and regulatory requirements are also tending to dictate decreasing quantities of allowable constituents and increased testing and reporting, with compliance sometimes entailing increased costs related to construction and operation of contaminant removal facilities.

This section concludes that **“The planning efforts of the County should recognize the water quality implications related to [these contaminants, e.g., arsenic, DBCP, and nitrates] in planning for the maintenance of an expansion of cities and unincorporated communities”** While the GPR has several policies regarding collecting water quality information and protecting water quality, it seems to have only one regarding contaminated water resources, **WR-2.6 “Degraded Water Resources” (GPR p. 11-8)**, which states that the County will “promote restoration where appropriate,” but its only IM (#17, p. 11-14) has to do only with amending the well ordinance to require deeper seals in areas of known contaminants.. The difficulty and expense of removing the contaminants from water resources makes protecting the resources wherever possible from the introduction of these contaminants critically important. However, **as discussed above in the WR Element comments, virtually all the County’s policies and implementation measures in this area are inadequate, vague and weak, and cannot be relied on.** The GPU/RDEIR must fully discuss the issue of water quality, one of the people’s top priorities, and how it affects land use and planning in the GPU.

Appendix C of the Background Report concludes (p. C-22) that the San Joaquin River restoration litigation settlement could result in the loss to Tulare County of almost half the water it receives via the CVP Friant Division (over 450,000 acre-feet), which could “completely undermine the existing population projection “ (this has been reworded from 2008, which said “completely undermine the existing basis for Tulare County population, allocations and disposal.).

Please explain what the existing basis is for “population, allocations and disposal,” and clarify what those terms mean. It states that **“on the individual community maps, which are a part of the General Plan update,”** indication will be given **“as to the potential for impact if an adverse court ruling prevails”** by a box being checked; these maps will require **“future refinement”** when a final court decision is entered.

We could not find these maps with boxes and checks in the 2008 GPU documents. In the February 28, 2008, correctory, the statements regarding the community maps were eliminated. Since the Tables in Appendix C indicate that many, if not most, of the County’s irrigation districts and communities are receiving CVP Friant Division waters, and that many of them, including Exeter I.D., Ivanhoe I.D., Tulare I.D., Lindmore I.D., Lower Tule River I.D., Porterville I.D., Saucelito I.D., and Delano-Earlimart I.D. are heavily dependent on Class 2 water, it seems the litigation decision could have enormous impacts on land use, planning, and development in our county, so **why have these marked maps been left out?** They do not appear in the 2010 version.

There is also no mention of the litigation in the 2010 GPR's Water Resources Element, but there should be, given the tremendous impact it could have on the County's resources.

BR Appendix A (Excerpts from Tulare County CEDS) of the January 25, 2008, correctory is dated June 2004. It lists 38 projects and their status, showing 5 underway, 1 in the design phase, 20 in the study phase, and 12 on hold. We asked that a brief update on the status of these projects be provided, since many of them seem related to the capacity of their communities to support growth.

The 2010 version of Appendix A has no date at the top, but still discusses information with dates of 2003 and 2004. The entire Appendix should be updated and clarified. A number of the project descriptions have no dates at all. It is almost impossible for the reader to gain any clear understanding of what must be accomplished in these various communities to enable them to support future growth and development, what has actually been accomplished, what remains to be accomplished, what kind of timelines are typically involved in getting projects accomplished (planning, studies, designs, approvals, funding, contracting, and actual construction), how funding is acquired (much of it appears to come from grants and State funding, which, given the condition of the State budget, will probably become less available), and what the results have been in terms of improvements in local economies, environments, and quality of life.

The maps in Appendix B (Background Report Exhibit 1-0 – 1-28) continue to show locations discussed nowhere else in the GPU/RDEIR (e.g., Alpine Village, Ponderosa, Patterson Tract, Tract 92), and the maps are not connected to the text. Each map should include a brief text summary of the existing conditions of the water and sewer systems for the area shown, the existing capacity, the growth and development projected for the area under the GPU, and what improvements, if any, will be required within the GPU horizon to accommodate and properly serve the projected growth.

The GPU/RDEIR documents continue to be deficient and inadequate in presenting a clear, informative picture of the County's existing conditions, the changes proposed by the GP 2030 Update (including by each Alternative), the impacts of the GPU on the areas proposed for new growth and development, the ability of these areas to adequately accommodate the projected growth, and the environmental impacts of the project. The GPU/RDEIR also substantially fails to relate the information that it presents in any concrete way to the actual proposed project and its environmental impacts, and the Policies and Implementation Measures provided are almost entirely unable to serve as effective mitigating policies and implementation measures. (The GPU/RDEIR appears to make almost no effort to actually avoid creating additional significant environmental impacts, which is, of course, the CEQA preference. The GPU/RDEIR is not designed to confine projected growth to existing urbanized areas, nor to require new development to be optimally resource efficient, nor to meaningfully address GHG emissions, unnecessary VMTs, and substantial conservation of natural resources.

For example, **RDEIR Section 3.6 – Hydrology, Water Quality and Drainage (RDEIR p.3.6-1 ff)**, as is the practice throughout the RDEIR, begins by basically **duplicating the information presented in the Background Report** [so that comments on the Background Report are simultaneously comments on the RDEIR]. This information is presented in an arid, high-level, remote manner, that rarely relates the information to on-the-ground situations in the County as they will be impacted by the proposed project. This approach enables statements such as “it is anticipated that implementation of the proposed project would result in similar impacts to all geographic planning areas of the County” (RDEIR p. 3.6-36), which is absurd given the immense differences in the County’s water resources over its vast and varied geography. **The RDEIR never shows how much growth and development will be directed to which communities in which areas of the County (e.g., Valley (east, west, north, south), foothills, mountain service centers, so the reader cannot see where and to what degree factors such as floodplains, levees, fractured rock water supply, declining groundwater, groundwater contamination, imported surface water, etc. apply.**

Sometimes, the RDEIR begins to vaguely alert the reader to the significance of its information. For example, on RDEIR p. 3.6-46, it states, “**Effective implementation of groundwater management practices [is] necessary to meet future water demands via groundwater extraction, without creating declining groundwater levels, and adversely affecting existing wells. . . . At a minimum successful groundwater management should be defined as maintaining and maximizing long term reliability of the groundwater resource, focused on preventing significant depletion of groundwater in storage over the long term and preventing significant degradation quality.**” “**Due to the uncertainty of future groundwater management efforts combined with the current regulatory approach, insufficient future groundwater supplies may be experienced in the County. Consequently, even with implementation of the below mentioned policies, this impact is considered potentially significant**”.(p. 3.6-47).

The Policies and Mitigation Measures listed on p. 3.6-47 give the impression that the GPU/RDEIR is making a good faith effort to substantially address the impacts. (Indeed, in many cases, these lists are up to twice as long as the one here.) They are described in more detail on p. 3.6-45 and 3.6-46, soothing the reader with assurances that the County is actively working to effectively address these concerns (unless one notices that, throughout the RDEIR, far too many of them depend on undefined actions such as “encourage,” “consider,” “study”).

However, and this is almost without exception the case, when one reads the actual Policies and IMs in the GPR (and the few new ones that appear in the RDEIR as additionally required), they are found to be largely vaporware: weak, vague, ineffective, not measurable, not enforceable, not timely (or with no specific timeline, or with timelines now moved out an additional number of years from the 2008 timelines), and sometimes not even understandable. Most of these Policies and Implementation Measures are discussed individually throughout these comments. Please refer to these individual discussions. **Almost none of Policies and Implementation Measures listed throughout the RDEIR can be relied on to serve as effective mitigating policies and implementation measures for purposes of CEQA and the RDEIR.**

Time after time, as on p. 3.6-47, the RDEIR then concludes that “no additional feasible mitigation” is currently available. That certainly is not the case, however, since the mitigations (Policies and Implementation Measures) that have been listed are not designed to actually effectively implement effective policies. **First, the GPU/RDEIR Policies and Implementation Measures must be comprehensively revised to be made clear, strong, measurable, and enforceable.** Only after those revisions should the RDEIR surmise whether additional feasible mitigation is available.

The GPU/RDEIR’s deficiencies and inadequacies were extensively discussed and illustrated in our 2008 comments and addressed by over 1000 pages from others as well. However, the current draft GPU/RDEIR has almost entirely failed to respond to those comments. The current version has moved things around, renumbered things, and made some changes for the worse in some of its Policies and Implementation Measures, but it has changed its text little in its actual description of the project, its description of the proposed project’s location, its description of the project’s environmental setting, its description of the proposed project’s significant environmental effects and mitigation measures, its analysis of a reasonable range of alternatives, its analysis of the proposed project’s growth-inducing impacts, its analysis of the proposed project’s cumulative impacts, its explanations of why some environmental impacts were considered less than significant. **It has been revised and re-circulated, but it has failed to respond to many pertinent comments on significant environmental issues.**

13. TRANSPORTATION & CIRCULATION

Given the requirements of AB32 and SB375 (and its new Climate Action Plan), the diminished health and safety of its citizens (already suffering from some of the worst air quality in the nation), and the higher fiscal costs to the County of the continuation of its current sprawling development patterns (the County can’t begin to maintain even its existing roads), the GPU/RDEIR must direct growth into the efficient, compact, healthy patterns (focused on areas with existing job opportunities, services, and infrastructure) that reduce automobile dependency and ever-increasing VMTs. The policies and implementation measures in the **Transportation and Circulation Element** do far too little to advance that priority (this is especially troubling since clean air was probably the #1 highest priority expressed by the public in the General Plan Update and Regional Blueprint workshops in Tulare County). In the **Public Transportation and Other Transportation Modes sections**, the policies are almost universally vague and weak in their wording (“support,” “work with,” “evaluate,” “encourage,” “promote,” “consider”), as are the Implementation Measures, and all but four of them have timeframes that are “Ongoing,” indicating that they are already in effect (although the corresponding programs are labeled as “New”).

Please clarify and strengthen these policies and provide them with concrete, measurable IMs. In their current form, they cannot serve as effective Mitigating Policies and Implementation Measures for purposes of CEQA and the RDEIR.

Also, Figure 13-1 – Tulare County Road System (GPR p. 13-5) shows the different types of roads in the County, but does NOT show the roads designated for “scenic.” Please include that information in the Legend and on the map, as “scenic” routes should have special consideration in the Transportation and Circulation element, and are very important resources for recreation and tourism. This should be addressed in this element.

The “Proposed State Highway 65 Alignment” is depicted on this map (and in Figure 2-3 Rural Valley Lands Plan Portion of the Land Use Diagram, RDEIR p. 2-16). **Where is this proposed alignment discussed in the GPU/RDEIR? How should this proposed alignment affect land use and planning in the County? Has it in no way been taken into account in the planning and land use considerations for the next 20 years? Please discuss this in the GPU/RDEIR in order to properly inform the reader of this proposed major development in Tulare County and its potential impacts.**

TC-3 Goal (GPR p. 13-9): The rail services Goal (TC-2) has been repeated here. It should be replaced by the Aviation goal (see p. 12-5 in the 2008 GPR).

TC-3.5 Private Ownership (p. 13-9): Please explain the rationale behind this Policy, which says that the County will consider development and maintenance of privately-owned and operated airport facilities as long as their development and operation “does not result in adverse impacts on the operation, maintenance, and long term viability of existing airport facilities.” **It does not appear that the County is applying the same rationale to considering development of New Towns and highway growth corridors on the “operation, maintenance, and long term viability of existing” communities and businesses in the County. Please discuss and clarify for the benefit of readers and decision-makers.**

TC-4.4 “Nodal Land Use Patterns that Support Public Transit” (p. 13-6): This Policy will only “encourage” land uses that generate higher ridership to be clustered within a convenient walking distance of one another; it has no Implementation Measure. **Please clarify and strengthen the Policy and provide it with a concrete, measurable IM.**

TC-4.5 “Transit Coordination” (p. 13-6): **Please clarify this vague Policy (how will the County “encourage” coordination to support better connectivity?). The only IM for this Policy (IM#20, p. 13-15) states that the County will work with transit operators to develop a Fast Pass system for transfers (this is labeled a New Implementation Measure, but its timeframe is “Ongoing”); please include additional IMs to improve connectivity between**

County and City systems, such as coordinated schedules and stops, stops that connect to bikeways, and the provision of bike racks on all buses.

TC-5.1 “Bicycle/Pedestrian Trail System” (p. 13-11): Please add to the Policy statement: “. . .trail system that provides a linked network with access to recreational, cultural, *educational*, and employment facilities”

Implementation Measure #21 (p. 13-15): Please change “will” to “*shall*” (“. . . projects *shall* be conditioned to incorporate . . .”).

Implementation Measure #22 (p. 13-15): As evaluation is **not** implementation, please change to: “The County shall *require the provision of* facilities for non-motorized users (e.g., bicyclists, pedestrians) *as appropriate* in new development projects; all new development projects shall provide trails, sidewalks, and/or bicycle lanes, as appropriate to promote safe active transportation.”

TC-5.2 “Consider Non-Motorized Modes in Planning and Development” (p. 13-11): Please strengthen this important Policy: “The County shall *require* incorporating facilities for non-motorized users” “For developments with 50 or more dwelling units or non-residential projects . . . demand, *the provision of sidewalks shall be the minimum requirement.*”

The Transportation and Circulation portion of the **Background Report, Section 5.12 “Non-Motorized Systems,” “Existing Conditions” (p. 5-72)** describes the Tulare County Regional Bicycle Plan, and Figure 5-9 (p. 5-72) depicts it, showing several routes around the County. Neither the Figure nor the text indicates the status of the bike routes depicted. The Tulare County Regional Bicycle Plan (consulted online) shows under “Existing Bikeways” in the unincorporated County a single bikeway, in Three Rivers, along SR 198. This bikeway is shown in Figure 5-8 as a Class I (separate path) facility. We live in Three Rivers and know that this bikeway shares the roadway (with a stripe, making it Class II).

The Background Report should be revised to provide accurate information about the status of the routes of the Regional Bicycle Plan.

Additionally, Figure 5-9 in the BR is labeled “TCAG Regional Transportation Bicycle Plan.” Figure 5-9 (BR p. 5-73) does NOT depict any bikeways except “Planned Bikeways.” In the GPR, we have Figure 13-2 (GPR p. 13-12), labeled “Regional Bicycle Transportation Plan,” which has a Legend depicting 3 types of Future Bike Projects. Neither depicts any *current* bicycle transportation routes. Are there any in the unincorporated County? When and where are any bicycle transportation routes going to be completed in the unincorporated County? The BR never specifically answers these questions, but talks only in very general terms about the process (p. 5-78). Was Measure R money allocated to bikeways? If so, what happened to it?

The Background Report (p. 5-75) states that county standard sidewalks are provided within and around school and recreational areas “where appropriate and enhance the safety of those who choose to use these facilities.” The

Background Report should be revised to state where such sidewalks have not been provided and what factors designated those locations not “appropriate.” Shouldn't all school children be afforded the safety of sidewalks around their schools and recreational areas?

The Background Report (pp. 5-75) describes the Safe Routes to School (SR2S) program and states that many agencies in Tulare County are eligible to apply for funding; **the Background Report should be revised to indicate whether any Tulare County agency has applied for the funding and what the results have been**, because it lists many benefits of active modes of transportation, including increased physical activity, healthier lifestyle, less traffic congestion, safer streets and neighborhoods, and improved air quality and a cleaner environment.

The Background Report states (p. 5-80) that public transportation is used by only 0.5% of commuters in the County, and that there are only two Park and Ride parking areas (comprising 38 spaces total) in the entire County, with the possibility of a third in the future (p. 5-81); the Background Report should be revised to discuss whether public transportation routes and schedules conveniently connect major employment centers to the areas where their workers live, and whether the Park and Ride facilities are adequate to demand.

The Background Report (p. 5-80) brings up Jobs to Housing Ratio, or jobs-housing balance, but **never relates it specifically to Tulare County**, examining the types and wages of jobs available in our various communities versus the skills of workers and housing costs; **this section should be revised to do so.**

In short, **the Background Report and RDEIR too often fail to relate their general information to Tulare County specifically and to provide a detailed description of existing conditions that will enable the reader to meaningfully relate the background information to the land-use planning and environmental information in the GPR and the RDEIR (which generally duplicates the BR information, although sometimes, as for this section, in condensed form); it must be revised to do so.** (It may also be noted that the RDEIR should be updated; e.g., p. 3.2-18, did TCAG adopt the Tulare County Regional Bike Plan at the end of 2007? Also, p. 3.2-18 states that “Tulare County has historically developed walkways for recreational and practical purposes,” and then gives examples of 3 trails, 2 located in the City of Visalia and 1 in the City of Porterville. Were these trails developed by the County or by the Cities? This is typical of the RDEIR: broad brushstrokes about what has been done and what could be done, but **far too often failing to state what the County actually has done and will do** (which is a big part of the informational purpose of the GPU/RDEIR).

The RDEIR (p. 3.2-36) states that the GPU would result in increased demand for public transit services. It states that “**Largely market driven, transit service will expand as needed and will be self mitigating**” (p. 3.2-36). Is it actually the case that **market-driven** transit service will expand as needed, or will it only expand if that will be profitable? Has market-driven transit proven to be the most successful method of increasing ridership and thus

reducing air quality impacts and GHG emissions? **Aren't land-use policies that direct development into compact, efficient patterns centered on existing urbanized areas, with their job opportunities, commercial and service centers, and educational, recreational, and cultural opportunities much more likely to promote the use of public and active transit (and to create and enable a market for it)?**

Isn't it even then usually the case that public agencies must at least partially fund a successful transit system (realizing that the cost is offset by the benefits to air quality, reduction of congestion, reduction of GHG emissions, reduction of parking space requirements, etc.)? **The related policies and implementation measures, as discussed above, are generally too vague and lacking in concrete implementation measures to be relied on to substantially increase public transit usage.**

The DEIR indicates that the County's primary approach to transportation and circulation issues will continue to focus on adding lanes to roads and adding and improving interchanges. **The DEIR should be revised to discuss the role of land-use patterns and efficiencies in affecting traffic levels and enabling greater reliance on public and active transit.**

The DEIR should evaluate the relative costs of providing suitable levels of service for transportation and circulation with compact, efficient development compared to sprawl development.

The DEIR should evaluate the impacts on public health and safety, air quality, and GHG emissions of transportation and circulation under compact, efficient development centered on existing urbanized areas compared to current inefficient, vehicle-centric development.

The RDEIR states (p. 3.2-21) that "Transportation and circulation needs are closely tied to the location and distribution of land uses"; **the RDEIR should be revised to explain how the GPU/RDEIR functions to locate and distribute land uses so as to facilitate meeting transportation and circulation needs, with special attention paid to increasing the use of public and active transportation.**

It is very important that the GPU/RDEIR be revised to require that all transportation and circulation projects consider and mitigate for their impacts on health, safety, and equity, and that all of them include provisions to support walking, biking, active recreation, and affordable public transit, while achieving or exceeding environmental benchmarks for climate change.

Tulare County suffers from some of the worst air quality in the nation, costing us dearly in human misery, lost school attendance, absences from work causing lost productivity and lost wages, excessive hospitalization and emergency room visits, premature deaths, negative impacts on agricultural productivity, and hospital and insurance costs. Our children and seniors and those with respiratory and cardiovascular illness are particularly affected (this is substantially more than half our population). **The GPU should require that transportation projects must be designed to meet the transportation needs of low-income people and eliminate disparities in access to and affordability of public transit and walking and bicycling infrastructure near homes, jobs, and services.** Tulare County has a very high percentage of low-income residents, making this emphasis especially important.

The GPU/RDEIR should require that transportation and circulation projects be designed to meet and exceed the requirements of AB32 and SB375 to reduce VMTs, GHGs, and the use of single occupant vehicles. The GPU/RDEIR should require that transportation and circulation projects meet clear, regularly measured outcomes to scale up walkability, bikability, and public transit (e.g., percentage of people walking and biking, percentage of people within ¼ to ½ mile of food retail and affordable housing as performance measures of coordinated land use and transportation.

The GPU/RDEIR should require traffic calming measures (such as raised medians, roundabouts, etc.) should be incorporated to improve safety for both vehicle occupants and non-motorized travelers.

The GPU should require projects to always promote Safe Routes to School, and should include an indicator for percentage of students walking or biking to school as a coordinated land use performance measure.

The GPU/RDEIR should require projects to promote transit-oriented, mixed use development, connected to affordable housing, jobs, and essential services, putting more County residents within easier reach of public transportation and key needs.

The GPU should also require that transportation and circulation projects be designed so as to maximize preservation of farmland, open space, and scenic landscapes. We clearly cannot afford to continue to operate under the old model of just building more and more (and bigger and bigger) roads to carry more and more vehicles to more and more locations, regardless of the cost to the economy, equity, and the environment.

14. PUBLIC FACILITIES AND SERVICES

Here, as is the case throughout this GPU/RDEIR, information on a particular subject area is, and probably necessarily so, scattered throughout the component documents. **It would be very helpful to readers and decision-makers if that information could be at certain critical points combined and synthesized to provide a convenient reference point as an aid to evaluating related information. It is also important to ensure that the information provided is consistent and complete, not inconsistent and confusing.**

For example, in reading the PFS Element (including the GPR, BR, and RDEIR), it would be very helpful to have summarized in one spot the background information regarding this subject for the unincorporated developed areas. **The 21 communities are listed on pp. 2-4 – 2-5 of the GPR and mapped in Figure 2.2-1 (p. 2-13) collectively and then individually in following Figures (confusingly, Figure 2.2-11 maps the Patterson Tract UDB, although this has not been identified as a community, nor as a hamlet). The 11 hamlets are listed on p. 2-35 of the GPR, mapped collectively in Figure 2.3-1 and then individually in following Figures. The 8 incorporated cities are listed on p. 2-49 of the GPR, mapped collectively in Figure 2.4-1 (p. 2-56), then mapped individually in the following Figures. The Patterson Tract appears on Figure 2.4-8 (City of Visalia). But what is the Patterson Tract? GPR p. 2-2 now includes the explanation that Patterson Tract is a *neighborhood*, as is East Porterville, and that there are many smaller ones, including, but not limited to, Rancho Sierra, Tooleville, Cameron Creek, and Oak**

Ranch (of these smaller ones, only Tooleville is ever mentioned again in the GPU/RDEIR documents). The Visalia map (Figure 2.4-8) also shows East Visalia, never discussed anywhere, and Goshen, which is a community.

Throughout the GPU/RDEIR documents, place names appear and disappear without explanation of why they are included in some lists and Tables and maps and not in others and discussed in some related texts and not in others. This seriously disrupts and confuses the informational function of the GPU/RDEIR.

Which places should be discussed and why? **Into which places does the GPU intend to direct growth? Those are the places that should be consistently labeled, consistently placed on maps and in other figures and tables, consistently provided with the same information for both existing conditions and for conditions at GPU buildout, consistently evaluated for impacts and mitigation (e.g., population, infrastructure, services, capacity, community/hamlet/MSJ plan status, environmental conditions, etc.).** The piecemeal hodgepodge approach to delivering essential information that prevails throughout the sections on public facilities and services makes it **almost impossible for the reader to discern any clear picture of where and how and why the County means to grow and develop and what the capabilities and impacts and results would be in the designated areas. The GPU/RDEIR must be extensively revised in these sections to correct these deficiencies.**

It must also be noted that the RDEIR states on p. 3.9-4 that “the incorporated cities, communities and hamlets Tulare County has identified as potential urban growth areas are located on the valley floor in proximity to the productive agricultural lands.” **This completely ignores the fact that the County has been working for years on the J.G. Boswell proposal to develop Yokohl Ranch (RDEIR p. 5-6), a New Town which is planned to locate 30,000 residents in the foothills (NOT the valley) on land currently zoned as Extensive Agriculture. This gigantic proposed development projects buildout largely within the GPU horizon. Only a few acres in the 36,000 acre property area are irrigated. The GPU/RDEIR is profoundly inadequate due to its failure to describe and analyze the baseline and impacts of this enormously growth-inducing proposed project in its discussion of all of the various elements of the GPU/RDEIR.**

RDEIR p. 5-5 states that “the following General Plan Amendments and General Plan Initiatives are taken into consideration for the cumulative impacts discussion and analysis” and lists Goshen, Yokohl Ranch, Rancho Sierra, and Earlimart. Yokohl Ranch, by far the largest of these, is never mentioned anywhere else in the GPU/RDEIR. The GPU/RDEIR must be extensively revised to correct this deficiency. It should include discussion of the GPA/GPI developments in Goshen, Rancho Sierra, and Earlimart as well, describing how they accord with the County’s design for land use and development in accordance with the Goals, Policies, and Implementation Measures of the GPU/RDEIR.

MAPS RECOMMENDATION: The maps should be revised to indicate the current population and area (acreage) within the existing development boundary for each urbanized area shown, and to also indicate the

proposed population capacity under the GPU buildout and what the acreage difference is between the UDB and the UAB (in many cases, would the proposed urbanized area changes have to be an approximation; e.g., with hamlets, of the acreage currently developed and the acreage within the proposed HDBs?). This would **help readers and decision-makers to “see” where we are now in terms of population and area urbanized for each of the communities, hamlets, and incorporated cities, and what is proposed under the GPU/RDEIR.**

Please provide baseline maps with this information and then maps that show the expected build-out under EACH of the RDEIR Alternatives. Please also indicate on the maps where the various TYPES of land uses would occur under the different RDEIR Alternatives.

In the Background Report (BR) Public Service and Utilities Section, Table 7-1 – Community Water Suppliers (p. 7-11) lists the communities, but **omits Sultana and East Orosi.** Page 7-12 of the BR lists “additional unincorporated urban areas” not formally designated as communities. These 13 areas are the 11 designated as hamlets in the GPR (p. 2-35), plus East Orosi and Sultana, which the GPR designates as communities. The following pages provide discussion of the information for the communities (except Sultana and East Orosi), as summarized in Table 7-1 (only Poplar is indicated on p. 7-22, but, presumably, that information is for Cotton Center as well). **There is no Table to summarize the water situation of the hamlets.**

Next, there is discussion of Allensworth (a hamlet) on p. 7-29 ff, then a brief discussion of East Orosi (p. 7-29. This is followed by a discussion of the **Ponderosa CSD** (p. 7-29 ff). Ponderosa would presumably be part of the Mountain Framework Plan, but we don't find it listed in the MFP, nor do we find it in the map figures following p. 4-10 in the MFP. **Why is Ponderosa briefly discussed, but not the other developed areas (MSCs) in the Mountain Framework Plan** (Alpine Village-Sequoia Crest is mentioned on BR p. 7-39 as having a septic system, but nothing is said about its water, and it's never mentioned again in the GPU/RDEIR except to be shown on Gi. 4-4 in Appendix C of the Background Report)?

Page 7-31 of the Background Report mentions **Delft Colony** (a hamlet), **Traver** (a community), and **Yettem** (a hamlet) as zones of benefit, and states that Seville (a hamlet) is included in the Yettem water zone of benefit, but served by a private water company. These urbanized areas are under County Service Area governance, but **no information about water quality or capacity is provided here.** The **Wells Tract** is mentioned next, but it is neither a hamlet nor a community. Is it proposed for growth? Is it on one of the maps? **No water information is provided on the remaining hamlets (East Tulare Villa, Lindcove, Monson, Teviston, Waukena, West Goshen).** **Please provide this information completely, consistently, logically, and comparatively.**

The correctory dated January 25, 2008, included 28 maps showing CSDs, PUDs, CSA # 1 and #2, the Lemon Cove Sanitary District, the Terra Bella Sewer Maintenance District, and Tulare County Water Works District No. 1. One map depicts **Tract 92 CSD**; we have encountered no other information about Tract 92 in the GPU documents, except that it appears in the NOP Mailing List. Ditto for **Tulare County Water Works District No. 1.** The maps

now appear as a series of Exhibits in Appendix B of the Background Report. Some of their names have been changed. How about Porter Vista PUD (now Exhibit 1-20)? **Why are entities such as Porter Vista mapped but never discussed?** (Although Porter Vista PUD is listed on Table 3.9-10, RDEIR p. 3.9-19.)

Page 7-33 of the BR lists the **“Can’t Serve” Special Districts:** Alpaugh (community), Cutler (community), Delft Colony (hamlet), Earlimart (community), **El Rancho Zone of Benefit** (neither hamlet nor community), Orosi (community), Pixley (community), **Pratt Mutual Water Company** (unexplained; a Google search reveals that it appears to serve the City of Tulare), Richgrove (community), Seville (hamlet), Tooleville (not a hamlet or a community; is it proposed for growth? Is it on a map? GPR p. 2-2 now lists it as a “small neighborhood” community), and Wells Tract (neither hamlet nor community).

Table 3.9-5 – Change in Water Demand (RDEIR p. 3.9-10) lists under “CACUDB” the communities including Delano and Kingsburg (ordinarily not included on any of the other Tables), additionally lists the neighborhoods of East Porterville and Patterson Tract, but fails to list Sultana (which the GPU/RDEIR documents can’t seem to get used to considering as a community; it is also omitted, for example, on Table 3.9-7 and Table 3.9-9,). **None of the hamlets are included on the latter two Tables either (except for Teviston in Table 3.9-7), and the neighborhoods have dropped off, too. And so it goes. We hope you can see how confusing this is.**

How many different places are we dealing with in the water section, and what determines which places are on and off which lists? Why can’t the information be obtained for so many of the hamlets? Why are a few places that are neither hamlets nor communities being included, but not others? What happened to the Mountain Service Centers?

Why can’t all the places that are going to be discussed be put into one table, so that we can get the overview information all in one place? Why can’t that table cover both water and sewer/septic information together in brief form? It would be helpful if the table also showed the population of the places listed, and if the table showed critical information such as “Can’t Serve” status. (We find population information in many different formats, based on different sources, and for different years and for different places in the various documents; this information should be compiled into a single comprehensive list and combined with the capacity information.) There should be a comprehensive Table with all of this information for the baseline condition and then a comparative Table showing the GPU buildout figures; the buildout Table should be repeated to reflect the figures as they would be modified by each of the different Alternatives in the RDEIR.

Turning to **Sanitary Sewer Infrastructure (BR p. 7-34 ff)**, we become more confused by inclusions and omissions and no comprehensive table. **BR p. 7-39 lists areas that lack sanitary sewer infrastructure and are served by individual or community septic systems.** These are Allensworth (hamlet), Alpaugh (community), **Alpine Village-Sequoia Crest** (not a community, not a hamlet, not listed or mapped in the Mountain Framework Plan), Ducor

(community), East Tulare Villa (hamlet), Lindcove (hamlet), Monson (hamlet), Plainview (community), Ponderosa (not a hamlet, not a community, not shown in MFP), Three Rivers (community), Teviston (hamlet), Waukena (hamlet), West Goshen (hamlet), and **“other unincorporated areas not listed in Table 7-2.”**

So we go to **Table 7-2 – Summary of Sanitary Sewer Service System Providers (BR p. 7-41, and also RDEIR p. 3.9-19)** and find 26 service providers listed, most of which can be easily related to hamlets and communities. But what is **Porter Vista PUD** serving? El Rancho, Tooleville, and Wells Tract again are listed, and are briefly discussed on p. 7-52, 7-53, and 7-54. How do these places figure in the County’s land use and development plan in the GPU/DEIR? **Earlimart PUD** is shown at **100% capacity** in Table 7-2, but on p. 7-43, it is said to be operating at **65% capacity** **“assuming the plant has been certified to reliably treat 1.24 MGD.”** **Why not phone Earlimart PUD and find out whether the assumption is correct?**

Storm Drainage Infrastructure is discussed on BR p. 7-55 ff. In the introductory paragraph, does the statement about the “small communities” refer to the hamlets and the MSCs as well (and the other places mentioned in the water and sewer sections)? The only storm drainage systems discussed are for Cutler-Orosi (BR p. 7-62) and Goshen (p. 7-65). Plans are mentioned on p. 7-65 for Earlimart and Poplar-Cotton Center , and the implication is that something is going to be built in Richgrove .

In general, this section is extremely vague about the **Existing Conditions**. It mentions (BR p. 7-62) that **“development that occurred prior to 1972 generally does not have storm drainage infrastructure installed [in] most of the unincorporated areas of the County. This has led to a need to improve such areas that lack drainage through redevelopment funding or other sources of available funding.”** So, **which of the communities, hamlets, MSCs, and “others” have substantial development that occurred prior to 1972? How many of these places are in need of funding for improvement? How many have received funding and made the needed improvements?**

It’s time for another good Table. How can the reader be properly informed of these places’ capacity for growth and development when this critical information is not provided? How can impacts be assessed with no baseline? **Please revise the GPU/RDEIR documents to provide this important information clearly, comprehensively, comparatively, currently, and logically.** Lack of adequate storm drainage systems in areas proposed for further growth and development in the GPU will create significant adverse environmental impacts.

Is it correct to assume that for all the other unincorporated communities and hamlets (and other places mentioned in the earlier sections) the information on BR p. 7-58 is applicable, that they have “. . . only surface drainage which is more subject to flooding, and/or not properly functioning due to little or nonexistent facility maintenance . . . a potential threat to wildlife, farm animals, and groundwater supplies . . . because there is limited ability to treat the water before it flows into a basin, or other surface waters, such as a creek, irrigation ditch, or river . . . [it can] pick

up contaminants from paved surfaces including but not limited to oil, antifreeze, and rubber.” Or is it just that they’re not being covered “. . . due to the time intensive efforts of evaluating the storm drain infrastructure of each community?”

Please provide in the single comprehensive master list overview table an indication of the storm drainage situation for all the places under consideration for development. If we don’t have time to evaluate their storm drain infrastructure, then we’d better remove them from the list of places designated by the GPU/RDEIR for growth and development, because we certainly don’t have time (or money) to deal with the results of flooding in those areas, especially not groundwater contamination.

INADEQUACIES OF TABLES: Consolidating this information and making it quickly accessible is very important because the public and decision-makers need to be able to readily locate and compare the basic facts about the infrastructure of the unincorporated areas being proposed for development. The DEIR Alternatives and the Policy Alternatives document **offer choices, but there is no comprehensive, consistent, consolidated table to provide a factual summary with which to consider the relative desirability and feasibility of the Alternatives.**

We have just briefly reviewed the confusing inconsistencies and lacunae in the Background Report’s information (which is echoed, although more briefly, in the RDEIR). The **Policy Alternatives document**, cited on RDEIR p. 2-24 and available on the County’s website) does offer **population information** in a Table called **Capacity within Tulare County** (p. 9), but it shows only 20 of the communities (omitting Sultana), and none of the hamlets or MSCs, or any of the other (seemingly random) places mentioned above in the Background Report and RDEIR that are neither communities nor hamlets.

It should be noted and remembered that the Policy Alternatives document remarks on p. 8 that the County’s consultant team conducted an analysis of the remaining residential holding capacity of the 8 incorporated cities and the unincorporated communities (these communities ONLY, excluding the hamlets and MSCs, etc.) and found that an additional 950,000 people could be accommodated within the cities and these communities ALONE without designating any more land for residential use. This is, of course several times the population growth projected for the GPU (and it’s at 25% 1 du/acre, 35% 4 du/acre, 25% at 7 du/acre, 10% at 12 du/acre, and 5% at 20 du/acre. Presumably, given the projected population at GPU buildout, all of the needed growth and development could be accommodated within the existing UDBs of the incorporated cities and unincorporated communities. We clearly have no need whatsoever for any New Town or Growth Corridors

As discussed previously, the GPU/RDEIR should create a **master list Table of the places being designated for growth and development under the GPU and show this information as statistically correct and current as**

possible. It should continue the master list Table with information on infrastructure and service capacity of the places being designated for growth, with some of the data points as follows:

A Table on p. 12 of the Policy Alternatives (Selecting Focus Communities for Community Centered Alternatives) lists water and sewer information for the communities only (omitting Sultana), but it frequently does not match the information provided in the Background Report (e.g., it says water information is not available for Alpaugh, whereas the BR states that Alpaugh is in “Can’t Serve” status (p. 7-33), has 295 water connections, arsenic, flat rate, etc (p. 7-13, etc.); it lists “East Porterville,” which is not listed in the GPR or in the BR as a community or a hamlet or a place, etc.; says no information is available for Lemon Cove, when the BR provides information, etc., etc.) The GPU/RDEIR, of course, needs to complete this type of information for all of the places for which growth is designated in the GPU/RDEIR on the master list Table; including RDA information for each place would also be helpful.

Page 2-24 of the RDEIR states that, “with County Board of Supervisors direction,” it was determined that “the unincorporated portions of the County *could* accommodate approximately 25% of future new growth.” Given the people’s priorities, the existing conditions in the County, the impacts of global climate change, the requirements of AB32, SB375, and the County’s Climate Action Plan, **the chief concern of the GPU/RDEIR should be not just where future new growth *could* be accommodated, but where it *should* be accommodated, and why.**

Capacity, cost-effectiveness, quality of life, preservation of agricultural and open space lands and scenic landscapes and habitat, efficient public transportation and active transportation that reduces VMTs and GHGs, jobs/housing ratios, air quality, water resources, economic vitality and diversity, health and safety of the public and the environment, provision and maintenance of infrastructure and services, effective mitigation of impacts – all these factors must be carefully and comprehensively compiled and presented by the GPU/RDEIR to inform the public and decision-makers and enable a strong, clear, meaningful, and effective General PLAN Update/RDEIR to be adopted.

Page 2-24 of the RDEIR goes on to state that 75% of the expected population growth is expected, under the GPU, to occur as a result of annexations within the CACUDBs and SOI of the incorporated cities, while “25% (78,490) is expected to occur *mainly* within unincorporated communities and hamlets and foothill development corridors, urban and regional growth corridors, and mountain service centers.” But WHERE in these thousands of acres will new growth and development be directed, and on what basis and to what degree?

And what about the growth-inducing New Towns, such as the proposed Yokohl Ranch? It’s projecting a buildout population of about 30,000 people, presumably mostly within the GPU horizon. How has this been factored in to the GPU’s growth and development allocation? RDEIR page 2-24 states that “these future growth assumptions

are consistent with *several* of the General Plan 2030 Update *objectives specific to growth issues* and the *policy guidance provided in the Planning Framework Element.*”

Please state here what these objectives are and what the policy guidance is, and how that produced the 25% figure. The GPU/RDEIR is seriously deficient because it does not present this necessary information; it must be extensively revised to do so clearly, logically, and relevantly.

Page 2-25 of the RDEIR states that “*major infrastructure investments by the public and private sectors are a necessary precursor to enable growth in the County.*” **The GPU/RDEIR must much more clearly, fully, and specifically inform the public and decision-makers of this requirement. In which of the places listed on p. 2-24 will major infrastructure investments be required? How much and why? How long is it likely to take to provide this infrastructure, given that the County and the State appear to be broke?**

Page 2-26 of the RDEIR (Section 2.2 Communities, PF-2.6 Land Use Consistency) says that all community plans will be required to use the same land use designations as in the GPU, and to use a similar form and content. It says that the content *may change due to the new requirements* such as **Global Climate Change and Livable Community Concepts.**

Given that about a third of the unincorporated communities have never yet gotten a plan, and that evidently none of the hamlets, MSCs, or development corridors have plans, and that most of the 12 existing community plans are in great need already of revision, **how and by when will this important planning get done? Why would the County direct growth and development into places that don’t have plans? How will this promote Livable Communities that are minimizing environmental and climate change impacts?** It seems that in many cases, the County is intending to put the cart before the horse and to continue to grow and develop without appropriate prior planning.

CONTINUING INADEQUACY OF INFORMATION AND ANALYSIS: In 2008, DEIR page 4-106 (below Table 4-4 – General Plan Population Estimates by Unincorporated Community) stated that “*water system descriptions and analysis for hamlets, and other unincorporated areas are not analyzed in detail as a part of this EIR analysis since projected growth for these areas has not been specifically modeled, and much of the information regarding these small water systems is still being obtained . . .*” **What is the logic of this, when some of the hamlets and “other” areas have larger populations than some of the communities (e.g., Delft Colony -- about 500, Seville – about 1000, E. Porterville -- about 6700, etc.)? (Also, what happened to this Table and the corresponding text? We can’t find it in the RDEIR. Please tell us where it is.)**

Shouldn’t the County already have the information for the eight urbanizing areas that are in CSA #1 and CSA #2; sanitary sewer information is provided for them, so why not detailed water information? Given that the GPU has been in preparation for several years, surely this information could have been obtained for all the urbanizing areas discussed in the various GPU/RDEIR documents. How can growth be planned and allocated without information on the absolutely fundamental criterion of water availability and quality?

In 2008, DEIR p. 4-106 went on to say that “**Policy PF-3.3 of the General Plan would require the County to ensure that Hamlet Plans are updated and maintained**” and “a discussion of the hamlet’s [*sic*] short- and long-term ability to provide necessary urban services is also to be provided within Hamlet Plans.” **Do any of the hamlets currently have plans?** If not, how can they be updated and maintained?

The first **Implementation Measure (#18 on GPR p. 2-75 for Policy PF-3.3** has a timeline for “The County, led by the Planning Commission” commencing in 2015-2020 (formerly, 2010-2015), to “*conduct a citizen outreach effort in Tulare County hamlets to prepare guidelines for the preparation of hamlet plans.*”

IM#19 (GPR p. 2-76) extends the hamlet plan process: “Upon adoption of guidelines for preparation of hamlet plans, the Planning Commission shall prepare an implementation schedule and budget that prioritizes the order in which hamlet plans and any associated environmental documents shall be programmed during the budget process. On an annual basis, or as may be needed, the Planning Commission shall review and recommend priorities for hamlet plan preparation to the Board of Supervisors.” Same Timeline information as for IM#18.

Unfortunately, given the number of years it takes to get a community plan written or updated, it seems very likely that **many of the hamlets may not get their plans completed within the GPU time horizon, not to mention the MSCs or the unincorporated communities that have never yet gotten a plan.**

INADEQUACY OF RDEIR ALTERNATIVES: The **Policy Alternatives (August, 2005)** document says on p. 12 that the Transportation Corridors Alternative selected communities adjacent to State Routes 65 or 99 for a greater share of growth projected for the communities, while the Rural Communities Alternative selected those with Redevelopment Project Areas established or pending, but **did NOT consider the communities’ water and sewer systems capacity.** **How can a factor so critical to the ability to grow not be considered in selecting the candidate areas for growth and the Alternatives?**

In the RDEIR, Chapter 4, **Alternatives to the Proposed Project, 4.2 - Factors Considered in Selection of Alternatives** (p. 4-1), we learn that the alternatives in the RDEIR” were selected in **consideration of one or more of the following factors,**” with the third bullet being “**the potential feasibility of the alternative, taking into account site suitability, economic viability, availability of infrastructure, and consistency with various applicable plans and regulatory limitations.**” Surely, **availability and capacity of infrastructure should be a key consideration in the selection process, but this is never specifically addressed in the discussion of any of the alternatives in the RDEIR.**

Nowhere in the GPU/RDEIR documents is there any discussion of the approximate cost and time that would be required to bring, for example, the 13 unincorporated areas listed in the Background Report as “Can’t Serve” into a condition where they could accommodate any additional development (much less properly service their

existing development); **this critical factor must be discussed.** Furthermore, **what are the conditions that caused so many of the unincorporated urbanizing areas to become so critically straitened in terms of their water and sewer situations?**

For example, on RDEIR p. 3.9-51, Table 3.9-22 – Year 2030 Wastewater Treatment Capacity Needs, **urbanizing areas are listed with their existing wastewater connections and their projected 2030 needs, based upon “preferred General Plan Alternative, with necessary adjustments for analysis purposes.”** (The “based upon” makes no clear picture in our minds; which places, per that Alternative, should be included on this Table, and **what adjustments were made?**)

Of the 25 areas listed, at least 12 are “Can’t Serve” areas (BR p. 7-33), 7 more are listed as at or near or over capacity for water or sewer, one more has bad nitrate problems with its well water, and another has serious infrastructure problems, leaving **only two, Ivanhoe and Woodville, that seem to be in good shape in terms of both water and sewer.** Yet Table 3.9-22 (RDEIR p. 3.9-51) indicates by its 2030 projected sewer needs that seven of these areas are **projected to grow over 100%** (some much more) and another seven to grow 70% or more. **On what basis are these projections being made?** On the basis of desire for growth? Need for growth? Feasibility of growth?

How will these urbanizing areas provide the tremendous increases in capacity for not only wastewater treatment, but also for the provision of clean, safe, adequate water supplies? (For example, page C-5 of Appendix C of the Background Report states that Springville’s PUD Board has had a “self-imposed sewer utility moratorium . . . in response to the lack of an adequate method of disposing of the treated wastewater stream” since 1982; that’s 25 years, longer than the planning horizon of the GPU.)

We could continue in this vein, but surely the above comments will suffice to show that the presentation of the information on this critical subject is not clear, consistent, coherent, comprehensive, current, or coordinated, leaving readers and decision-makers to wonder how they can rely on it to enable understanding of the background situation, existing conditions, future needs, environmental impacts, and the alternatives for growth. **Please extensively expand, revise, reorganize, logically and consistently present and analyze, and coherently summarize the information in the GPU/RDEIR documents, relating it clearly to land use and growth and development policies, so that the public and decision-makers may confidently rely on it.**

As for the Policies and Implementation Measures in the Public Facilities and Services Element of the GPR, the same basic comments apply here as in all the other Elements: **Please make the vague, unenforceable Policies (“encourage,” “support,” “promote,” “consider”) specific and clear; please provide all Policies with concrete, measurable Implementation Measures with Timeframes consistent with the urgency of the need for the**

implementation. As currently written, they cannot serve as adequate Mitigating Policies and Implementation Measures for the RDEIR.

PFS-2.1 Water Supply (GPR p. 14-6: Thank you for adding to this Policy: “by, at a minimum requiring a demonstration by the agency providing water service of sufficient and reliable water supplies and water management measures for proposed urban development.” **Please state at what point this demonstration will be required and what will happen if the water supplies and water management measures are inadequate to serve the proposed development. Please provide a concrete, enforceable IM for this Policy. When and how will this be effective?**

PFS-7.1 Fire Protection (GPR. p. 14-10): The obvious Policy would be to locate new growth where fire protection service already exists and to **strictly limit growth in the higher fire risk areas (especially those with steep slopes, wildland interface, etc.). If we can’t afford to properly serve our existing development, we shouldn’t be putting development in areas that will stretch fire protection services even thinner.**

PFS-7.6 Provision of Station Facilities and Equipment (GPR p. 14-11): This Policy has been weakened. It formerly said “the County *shall provide* fire station facilities” **This has been downgraded to “the County shall *strive to provide,*” but it has also added “sheriff” facilities. Again, the GPU/RDEIR should be revised to focus growth in areas where the needed infrastructure and services already exist.**

PFS-8.3 Location of School Sites (GPR p. 14-12): Thank you for revising this Policy to include bike routes.

PFS-9.4 Power Transmission Lines (GPR p. 14-23): This Policy should be revised to state also that the **County shall work with the PUC and utilities to promote greater energy efficiency in existing built inventory and in all new development, so as to reduce the need for new and ever more impactful transmission lines.** The huge public outcry over the last two years against the giant towers proposed along our scenic highways demonstrates the importance of working to reduce energy demand. This would also reduce GHG emissions and provide lots of jobs retrofitting existing residential and commercial structures.

PART II AREA PLAN POLICIES

CHAPTER 1. RURAL VALLEY LANDS PLAN (GPR Part II, p. 1-1 ff, etc.)

RVLP (GPR Part II, p. 1-1), first paragraph includes new language that substantially revises the areas covered in the 2008 GPR. The second sentence states that the “RVLP applies to the Central Valley . . .outside the County’s UDBs, HDBs, UABs for cities [and **all of the language following is NEW, greatly expanding the areas to which the RVLP will NO LONGER APPLY – and, of course, it is only in the GPU that the HDBs were created,**

eliminating many thousands of acres from RVLP application:] 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.”

The GPU/RDEIR must inform the reader of how many additional RVLP acres would be comprised under this vast expansion of areas in which the RVLP would no longer apply, how many acres of what quality (e.g., “Prime,” “Statewide Importance,”) could be involved, and the potential economic and environmental impacts of this change (including the acreage now comprised within the new HDBs). This change indicates that on a very large scale, the RVLP, which has been a landmark agricultural plan for 35 years, is being over-ridden and gutted by the County’s pursuit of development anywhere anytime. Please explain very specifically how it is in our best long-term interest to turn irreplaceable world class farmland into needless sprawl development, when all the population increase projected through the GPU horizon can easily be accommodated within our existing growth boundaries. Please eliminate this new language from the GPR.

In the 2008 DEIR, page 1-1 (paragraph 4) states that “prime agricultural land is an irreplaceable natural resource,” and that (paragraph 5), “from a property tax standpoint, *agriculture is the only land use that pays for itself when industrial and commercial property is given a cost based on total urban expenditures by government*” (paragraph 5). Paragraph 6 states that “much of the blame for wasteful checkerboard sprawl lies with the lack of an effective system to direct new development into better patterns.”

Does the County believe that these statements are true? If so, it should ensure that this GPU contains clear, enforceable policies and concrete implementation measures that will ensure that new development is resource-efficient and is focused in our existing urbanized areas and that will offset unavoidable impacts to agricultural lands with mandatory mitigation measures such as permanent easements at a minimum 1:1 ratio on agricultural lands of equal or greater quality within Tulare County..

Please explain why the 2010 GPR (Part II, p. 1-1) has changed the 2008 title “Policy Development Background” to “Tulare County Annual Crop and Livestock Report” and then deleted three key paragraphs on this subject that appeared in the 2008 version (DEIR Part II, p. 1-1). Please restore this important information regarding the background to the development of the RVLP. It is very important to the reader’s understanding of the RVLP. The information regarding farmland lost to date should be updated. Also the rate of farmland conversion should be reported and analyzed. The property tax information, “Agriculture is the only land use that pays for itself,” should be reviewed and presented on the basis of current information.

Here’s the information deleted in the 2010 version:

“Urban and suburban development in Tulare County is intruding into prime rural agricultural lands at an increasing rate. Each year hundreds of acres of prime agricultural lands [is this now thousands of acres?] are being taken out of production in order to make way for suburban ‘ranchettes’ or parceled into small

lots for investment purposes. Once this is done, it is virtually impossible to reassemble the land into viable agricultural units.

According to the Agricultural Census, Tulare County lost 66,000 acres of farmland between 1964 year and 1969 year. *Prime agricultural land is an irreplaceable natural resource, and its wise use is of as much importance as other natural resources such as coal and oil [we note here that sustainably farmed agricultural land is in some ways much more important than coal and oil, when one gets down to the real basics such as food, water, and air. Also, sustainable farming does not exhaust the resource, whereas coal and oil, once used, are gone].*

The effects of piecemeal urbanization on agricultural fringes and the cost of public services to such development should also be understood. In a report prepared by the Ventura County Planning Department in 1970, their findings show that *from a property tax standpoint, agriculture is the only land use that pays for itself, when industrial and commercial property is given a cost based on total urban expenditures by government.*

In spite of the efforts of local government to protect agricultural land through protective taxation or zoning, *much of the blame for wasteful checkerboard sprawl lies with the lack of an effective system to direct new development into better patterns.*"

CHAPTER 2. CORRIDORS (p. 2-1 ff)

C-1.3 "Scenic Corridor Protection Plans" (p. 2-1): Please cross-reference this Policy to Policy SL-2.1 (p. 7-3) and please explain how these two policies are related to each other. Policy C-1.1 (p. 2-1) mentions Scenic Highway Corridors only along eligible State Highways; what about Scenic County Road Corridors? Please clarify.

C-1.4 "Regional Growth Corridor Plans" (p. 2-1): Please explain why the County is proposing these Corridors outside of HDBs, UDBs, or UABs. C-1 states that the Corridors are to provide "an economically viable and balanced land use pattern along major transportation corridors in Tulare County." What prevents locating "economically viable" land uses within existing urbanized areas that already have infrastructure (roads, water, sewer, lights, police, firefighters, etc.), services for employees of the new development (e.g., food, fuel, retail), and a labor pool living right there?

The County already has many urbanized areas along State Highways 99 and 65. Why would it not be better for air quality to locate the businesses where the people are? Wouldn't it better maintain our viewsheds and our rural character to focus new development on existing urbanized areas? How does it benefit our existing communities to locate businesses outside of their boundaries? Wouldn't the Regional Growth Corridors have much less adverse impact on agricultural and natural resource lands if they were located in already-urbanizing areas? Wouldn't the Regional Growth Corridors not only induce additional sprawl, but be sprawl themselves? Please explain what makes these strip developments "balanced" land use patterns.

The GPU/RDEIR should provide a well-reasoned discussion, covering all these points, to clarify why the County is proposing these corridors instead of development based on smart growth principles. The County's citizens told the County they wanted growth centered on existing communities, and they wanted agricultural lands and open space preserved. Why is the County promoting the opposite with these Regional Growth Corridor Plans? How do these Growth Corridors benefit the majority of the people of Tulare County?

The GPU/RDEIR fails to fulfill any of the CEQA requirements with regard to the Corridor Framework Plan. It does not describe the existing condition of the environment which could be turned into these corridors, nor show how these lands are currently zoned and used; it does not establish a valid baseline and then describe the significant impacts of the proposed corridors, it does not discuss the direct and reasonably foreseeable indirect impacts of the corridors, it never describes the significant irreversible changes and growth-inducing and cumulative impacts (and they are legion) of the corridors, nor does it discuss any meaningful mitigation. And this is the short list of inadequacies and deficiencies regarding the Corridors Framework Plan.

The County should prohibit the type of development proposed in the Regional and Urban Corridors because it is contrary to resource-efficient, compact, VMT-reducing development focused in existing urbanized areas and will not help the County to comply with AB32, SB375, or its Climate Action Plan.

C-1.5 "Agricultural Enterprises" (p. 2-1): Same comments as for C-1.4.

C-1.6 "Regional Growth Corridor Opportunity Areas – Interim Policy" (pp. 2-1 and 2-2): The County should not proceed on the basis of this interim policy. This interim policy allows approval of conversion of greenfield agricultural land and open space for far too many reasons (although it has now deleted the egregious "Notwithstanding" paragraph that was in the 2008 version, which concluded with "any other relevant factor considered on a case-by-case basis," p. 2-2). This is completely unacceptable because it completely contradicts the principles of smart growth, the County's stated commitments to preserving agricultural and open space and to reinvest in existing communities and hamlets, and the people's priorities; it provides for no input from nearby communities and for no mitigation. **Please delete Policy C-1.6. No such development should take place. If the County is determined to promote such development no matter what, then no such development should take place until regional growth corridor plans have been specifically prepared, reviewed by the public process, and adopted.**

Implementation Measure #3 (p. 2-4): We ask that you delete this IM, along with Policy C-1.6. If you do not delete this IM, then please revise it by changing its three "should"s to "shall"s.

NOTE: The 2008 GPR included **Implementation Measure #4 (p. 2-4)**, which stated that the "County shall establish a committee of community resident, businesses, and County staff . to develop corridor plans for State Highways 65 and 99, including phasing and financing measures that builds on valley-wide efforts

by Caltrans and the Great Valley Center.” The timeframe was 2007-2010. **A specific deadline should have been set for the completion and adoption of these corridor plans, and the County should not approve any corridor development prior to adoption of these plans: NO Regional Growth Corridor development on an “interim policy” basis.** The development so allowed will be permanent, not interim, without the benefit of the plans developed by the committee, and with significant irreversible impacts under CEQA. **WHY HAS THIS IMPLEMENTATION MEASURE BEEN DELETED from the 2010 GPR?** This signals very clearly that the County no longer has any intention of involving public participation in the process of developing and implementing the corridor plans for Highways 65 and 99.

PART II CHAPTER 3. FOOTHILL GROWTH MANAGEMENT PLAN (GPR Part II, p. 3-1 ff)

INADEQUACY OF GPR INTRODUCTION TO FGMP: The County has repeatedly assured the public during the GPU process that the Foothill Growth Management Plan (FGMP) has been restored WITHOUT CHANGES to the GPU. If so, why isn't the original FGMP simply reprinted in its entirety in the Area Plan Chapter 3? The reader is now compelled to go back and forth between the text of the draft GPR and the text of the original FGMP to find out what whether the FGMP has been changed.

The Matrix (p. 284, under F-1.2) states that “The FGMP has been added back into the Goals and Policies Report, reflective of staff’s desire all along” and (p. 294) “It was staff intent all along to carry the FGMP forward unchanged, except for deletion of the obsolete sections.” **Please explain** why the original FGMP has not been simply reprinted in the GRP; why has it instead been disassembled, re-organized, split up, and changed in its emphasis and meaning, contrary to what the public was told? **What is the underlying rationale** for these changes? **What are the likely impacts** on the foothills of the GPR’s many changes to the FGMP, individually and cumulatively?

Please restore the original FGMP (modifying the parts, of course, that have already been accomplished, such as the Springville Community Plan). The only changes that should be made to the original FGMP, other than to correct outdated information (e.g., re community plans) would be changes that would further strengthen its goals, policies, and implementation measures in order to better protect our fragile foothills from the ever-increasing threat of inappropriate development. As irreplaceable watersheds, viewsheds, habitat, agricultural (mostly extensive agriculture) and open space lands, recreational areas, world-class Native American sites, scenic landscapes, historic and beautiful scenic routes, timberlands, sustainable tourist attractions, oak woodlands, and sources of physical and spiritual renewal (among other values), our foothills are a vital resource to the health, economy, and beauty of Tulare County. And so should they be for generations to come.

The introduction to this Chapter (p. 3-1) must explain how and why the FGMP has been changed in the draft GPR update, the impacts and potential impacts of these changes, and whether additional implementation or

mitigation measures are needed as a result of the impacts. **Is it the intent of this GPR to incorporate the original FGMP by reference? If so, this must be specifically stated in the GPR.**

We are very troubled that we have totally run out of time in this too-brief public comment period (the County took two years to put forth the 2200 pages of the GPU/RDEIR and gave the public only two months to comment) to be able to read and comment on the FGMP sections. Our 2008 GPU/DEIR comments are incorporated below. Please respond to them. Unfortunately, we can see at a glance that many of the Policies have been re-ordered and re-numbered; therefore, please refer to the Policy titles or relevant content wherever the Policy numbers have been changed in the GPU/RDEIR.

Same idea for the Implementation Measures. And, of course, due to formatting changes, etc., in many cases the referenced page numbers will also have changed, so please match up the comments to the 2010 documents on the basis of content and not necessarily on the basis of the page numbers cited in our 2008 comments. Thank you.

Also, please refer to the May, 2010, GPU/RDEIR comment letter from Karen Bodner and Michael Olecki. They are focusing a considerable portion of their comments on the FGMP, and we concur with their analysis and recommendations.

INADEQUACY OF BACKGROUND REPORT RELATED TO FGMP AREA: The Background Report should include a detailed, current land use map for the Foothill Area and its development corridors, showing land use designations and features as discussed below, so that readers can “see” the existing conditions; it should also include a detailed map showing the Foothill Area as proposed under buildout of the GPU. **The Background Report should include a detailed discussion of the conditions that exist** within this Plan Area; its current two paragraphs (pp. 3-19 – 3-20) are inadequate to describe this large, varied plan area and its development corridors.

The **Table on BR p. 3-20** indicates number of acres for various land uses, but does not show its information in a map, and does not depict how the 86,138 acres designated as development corridors are apportioned among the various corridors, how they are zoned, how many of these acres are already developed and how many are available, how the population is apportioned among them, where and in what types of land uses the area is growing, etc.

Please provide this information in text and in a clear map format.

Page 5-2 of the Background Report states that the FGMP was adopted in 1981, but does not say that it has been amended. However, notes below some of the FGMP Policies in the GPR (e.g., FGMP-2.2 and FGMP-2.3) appear to indicate that it has been amended.

Please clarify whether and when the FGMP has been amended.

Page 23 of the original FGMP states that its Foothill Development Standards were to be adopted by Ordinance; was this ever done? If so, what's the Ordinance? **It should be referenced.**

INADEQUACY OF DEIR RELATED TO FGMP: As is the case in all instances with this DEIR, it does not, with regard to the FGMP area, **provide a clear, quantified description of the direct or indirect impacts of the project, despite the fact that the project area is being slated for at least one huge development project (Yokohl Ranch: 10,000 houses, 30,000 people, golf courses, resort, large commercial area, many new roads, wastewater treatment plant, dam, reservoir, etc.) which is not even in a foothill development corridor, but which the DEIR states (p. 8-5) is being taken into consideration for the cumulative impacts discussion and analysis.**

The DEIR must provide non-generic, FGMP area-specific qualitative and quantitative analysis of impacts, including cumulative impacts, of the proposed project. The foothill area of the project differs substantially in many respects from the valley area of the project (slopes, drainages, wildlife, wildfire, wildland interface, running rivers, water supply, recreational opportunities, road types, etc.) and so **requires analysis based on its own characteristics** and how they affect and would be affected by the proposed project.

For example, in what areas and to what degree will the proposed project impact the existing visual identity and character of the FGMP area, which is one of the most scenic in the County? How many acres of agricultural lands will be urbanized under the proposed project in this area? How many additional VMTs will likely be generated, and what will be the impacts on air quality, including scenic vistas? What wildlife species, habitat areas, and migration areas will be impacted? How many acres and where? In what areas will the project impact how many known or likely cultural resource acres? How many acres of critical riparian areas and woodland will be impacted, and in what areas? Existing foothill communities and individual properties are experiencing significant problems with water supply and quality and with wastewater disposal; how will the proposed project impact these issues, including loss of groundwater recharge areas?

The DEIR must also thoroughly discuss the direct, indirect, and cumulative impacts of permitting development outside of the FGMP's designated development corridors. Traffic and transportation impacts must be discussed and analyzed with the same thoroughness, especially quantifying the fiscal impact to the County of improving and maintaining foothill roads under the quantified proposed increases in traffic.

It must also specifically assess the **FGMP area project's impacts on global warming, and the impacts of global warming on the project, and discuss how the proposed project in the FGMP area will further Tulare County's compliance with the requirements of AB32.** Discussion of excessive VMTs, loss of large-canopy trees and forest areas, quantification of additional acres of impermeable hardscape, etc. must be addressed in this evaluation.

The DEIR must also qualitatively and quantitatively assess the adequacy and efficacy of the project's policies and mitigation and implementation measures as remedies to the adverse impacts described. It begs the question to simply describe all the impacts as "significant and unavoidable" without making an honest effort to relate to them the effects of the project's proposed remedies and to determine whether they should be strengthened or added to.

The DEIR (p. 3-14) states that the FGMP applies to all lands designated Foothill Agriculture (FA, which has a 16—acre minimum parcel size, with maximum density of 1 DU/80 acres with one additional unit allowed for every 40 additional acres over 160). Please depict on the FGMP detailed map the areas that are zoned FA. How many acres are zoned FA? DEIR p. 6-3 refers repeatedly to "the Land Use Diagram." What Land Use Diagram? Where is it?

GOALS AND POLICIES REPORT:

"Foothill Growth Management Plan" (GPR, Part II, p. 3-1): The penultimate sentence states that the FGMP "utilizes four development types that are geographically limited to two areas" outside Three Rivers and Springville. **Please explain: What and where are these two areas, and how are they geographically limited?**

"Development Corridors" (p. 3-1): The second sentence states that the development corridors are "designated on the Land Use Diagram." **Where is the land use diagram? Please provide it and make it clear and comprehensive.** It is referred to in each of the paragraphs on development types.

This paragraph states that development corridors are designated as Foothill Mixed-Use. This FMU designation (GPR, p. 5-11) states that Maximum Density is 15.0 DU/Acre and Maximum Intensity is 0.25 FAR. But the Development Standards in the FGMP (1981; p. 38) state that "the residential density of a new development shall be initially limited by the amount of water available for domestic and fire fighting purposes based on water demand specifications provided by the Tulare County Health Department and the County Fire Warden. A more specific residential density shall be determined in the site plan review process. The final allowable density shall correspond to how well the proposed project meets the goals and policies of the FGMP. As a guideline, the maximum density for land with slopes between 15 percent and 29 percent shall be one residential unit per two and one half acres . . ." etc.

So, which is it going to be, the standards in the original FGMP or new standards imposed by the GPU? The original FGMP was, in most respects, a resource-based document, which balanced locating development in the foothills with a recognition of the environmental constraints and values of this important region. The GPU, unfortunately, seems less concerned with recognizing these constraints and values.

For adequate baseline and project impact analysis, please describe and map the current conditions in the Foothill Area, including specifics on Development Corridors, such as their current and proposed (if different) acreage, their current and proposed populations, their current and proposed land usages, their current infrastructure (e.g., water and sewer systems, police and fire protection, etc.), the development corridors' major riparian areas designated as open space, the corridors' identified wildlife habitats, the corridors' sensitive wildlife areas designated as open space, the current and projected availability and quality (e.g., radon, nitrates) of water, etc.

Please correct the text in Chapter 3, which oddly changes some of the original FGMP's words. **For example**, p. 3-2, top left column says the first level involves the "*demarcation*" of lands; the word was "*designation*" in the original (p. 3). On p. 3-3, third paragraph, the new text says the road system is designed to "*maintain*" the environmental hazards; the original (p. 5) says to "*minimize*" environmental hazards. New text p. 3-4, top right paragraph says "unless the property has been "*truly*" developed, while the original (p. 8) says "*duly*" developed.

Please explain: On p. 3-4, top right paragraph, the new text says that when a preserve within a corridor is disestablished, "it must be zoned consistent with the requirements of the Williamson Act"; the original (p. 8) says "it should be immediately rezoned to the Planned Development-Foothill (PD-F) Zone."

3.1 Foothill Growth Management Plan Policies

FGMP-1 (p. 3-6): Please explain which goal this is in the original FGMP, referencing the page number. Page 3-6 of the new text suddenly departs from the format and organization of the original FGMP. **Please correlate each of the ensuing goals and policies to their location by page number in the original FGMP and make sure that they match.**

For example, please correct FGMP-1.2 "Rural Agricultural Land Densities" (p. 3-6), which cites FGMP original p. 13, goal 3, policy 3-4. The referenced FGMP original policies deal with designing new development to preserve visual quality and not exceeding physical holding capacity, **not** with Rural Densities per se.

Furthermore, where in the original FGMP are 40 acre minimum parcel sizes required if average slopes are 30 percent or greater, and minimums in excess of 40 acres on parcels with average slopes exceeding 35 percent? Are these new policies in the UNCHANGED FGMP? The FGMP does state on p. 15 #1 that "*environmentally sensitive areas within the development corridors . . . should be maintained as open space such as areas characterized by floodplains, steep slopes (30 percent or greater), "etc."*

FGMP-1.3 "Identity of Foothill Places" (p. 3-6) has as its **Implementation Measure #1 (p. 3-13)**, which states that "The County shall concentrate rural and urban development in the development corridors." The

original IM (p. 35 of the original FGMP) stated “. . . in the development corridors *only*.” Why was the final word “*only*” omitted, weakening this measure?

FGMP-1.4 “Grading” (p. 3-6) has as its Implementation Measure #2 (p. 3-13), which says that the County “shall amend the Tulare County’s Improvement Standards to reflect changes in foothill, street and grading standards.” Please omit the first “the” and remove the comma after “foothill.” This IM appears on p. 23 of the 1981 FGMP. The GPU timeframe for working on this IM is shown as 2010-2015. **Does this indicate that well over 30 years can go by between the time that an Implementation is first approved as part of a plan and the time that it will actually be addressed? What standards apply in the meantime?**

FGMP-1.6 “Establish Citizens Advisory Committee (p. 3-6), Implementation Measure #5, p. 3-13: Please correct “or” to “*of*” in this IM.

FGMP-1.7 “Preserving Visual Resources” (p. 3-6): Please explain why the language and meaning of the original FGMP has been changed in this policy. The original (p. 13) says “New development *shall be designed* in a manner which preserves the visual quality of the foothill setting” The new, unimproved policy is no longer mandatory; now “The County shall *encourage* new development to be designed” The County has not kept its promise to not change the original FGMP. **Why has this important policy been weakened in the GPU?**

FGMP-1.8 “Commercial Neighborhood Centers” (pp. 3-6, 3-7): Please explain why this policy has been modified from the original (FGMP p. 13). The original states that “neighborhood commercial centers shall be allowed in designated areas of the development corridor and *shall only include uses of a type and size to service a neighborhood*” Why does the new policy eliminate key rural-character factors “*type and size,*” and substitute “*shall only include land uses that provide neighborhood-related services?*” **Please restore these factors.**

The **third bullet (FGMP-1.8, p. 3-7)** provides another change. The original FGMP (p. 13 c) states that the “maximum size of the commercial center shall be *5 acres.*” With no explanation, the GPU doubles the size, to “**10 acres.**” **Why was this change made? Why is it not indicated as a change from the original?** What is the average acreage of neighborhood commercial centers in the foothills? **Please restore the original.** The **fourth bullet (FGMP-1.8, p. 3-7)** is another change. The original FGMP (p. 13 d) states that “the commercial center may be *considered* as a part of a planned residential development, but the GPU says “the commercial center may be *included* as a part of a planned residential development.” Same comment as directly above.

The **fifth bullet (FGMP-1.8, p. 3-7)** states in the original (p. 13 e) that “the center shall meet the policies and development standards of *the* FGMP,” while the new version states that “the center shall meet the policies . . . of *this* FGMP.” Thus, **the FGMP in the GPU is differentiated from the original FGMP. It is NOT the original FGMP as advertised. Where are the “development standards” in this FGMP?**

The original FGMP includes many pages of development standards. Please restore them in the GPU. (Page 23 of the original FGMP includes as an Implementation “Adopt by Ordinance the Foothill Development Standards

which are now included as a subsection of the Foothill Growth Management Plan.” **Was this ever done? If so, what is the Ordinance**, and why isn’t it discussed in this Chapter of the GPR?)

Implementation Measure #7 (p. 3-13) is the only one shown for FGMP 1.8. Again, the new IM differs from the original (which is on p. 25 of the FGMP, not p. 26 as indicated in the new IM). The original states that “The Site Plan Review Committee *shall determine the consistency of the project with the location, type and design criteria of the policy*. Should the project not meet the intent of *the above policy*, findings . . . body.” The new IM says that the Committee “shall *review* the consistency of the project with the location, type *of* design criteria of the *County’s policies*. Should the project not meet *the County’s policies*, findings . . . body.” **Why have these changes been made, apparently weakening** the authority of the Review Committee and making vast and vague the focus of their review (the “County’s policies” vs. “the intent of the above policy”). **Please correct** this IM to conform to the original wording on p. 26 of the FGMP.

FGMP-1.9 “Commercial Recreation” (p. 3-7): The original FGMP states (p. 14) that commercial recreation uses “*shall be located* in close proximity to unique natural features,” but the GPU says “The County *shall encourage* commercial recreation uses near unique natural features.” **Why, again, has the FGMP been changed without explanation, and the mandatory rendered weak and unenforceable?** Under this Policy also, “*the* FGMP” has been changed to “*this* FGMP.”

Implementation Measure #7 (p. 3-13) is shown for **FGMP-1.9**. **Please see and incorporate here the comments on IM #7** directly above for FGMP-1.9 (the reference to p. 26 in the original is correct for FGMP-1.9).

FGMP-1.10 “Mobile Homes” (p. 3-7): The original (p. 14, #9) states that “Mobile home projects *shall be* located and designed,” but the GPU version says “The County *shall encourage* mobile home projects to locate and be designed . . .” Same comment as directly above. **Why** has the County’s position become so much weaker? No Implementation is shown in the GPU for this Policy. **Why has the Implementation in the original (p. 27) been omitted** (“The Site Plan Review Committee shall review mobile home parks and subdivisions to encourage designs that ‘fit’ into existing development patterns.”)?

FGMP-1.11 “Light Industrial Uses” (p. 3-7): The original (p. 14, #10) states that “Light industrial uses (*as described in the Tulare County Zoning Ordinance*) *may be allowed* in a development corridor subject to a *conditional* use permit.” The GPU version says “The County *shall allow* light industrial uses in a development corridor subject to a *special* use permit.” **Please explain** why this policy has been changed; again, it reduces the County’s authority. No IM is shown in the GPU for this Policy. **Why has the Implementation in the original (p. 27) been omitted from the GPU** (“The *environmental impact report process* is the mechanism which will provide

specific data both to the Site Plan Review Committee and the Planning Commission for purposes of determining a decision on the conditional use permit.”)?

FGMP-1.12 “Development in Success Valley” (p. 3-7): No Implementation Measure is shown for this Policy in the GPU. In the original FGMP (p. 29), the Implementation is “The two areas within Success Valley which are designated ‘Planned Development-Foothill’ on the Land Use/Circulation Plan for the Tule River Corridor shall be zoned to a classification which prohibits any residential densities greater than one unit per five acres.” **Please indicate whether this Implementation has been acted upon; what is this zoning classification? Please show these areas on a current baseline map for the foothill development corridors, included in the GPU documents.**

FGMP-1.13 “Hillside Development” (p. 3-7): The original (p. 19, #1 AESTHETICS) states: “*Hilltop* development shall be designed so as to preserve the skyline” The GPU version says: “The County shall require that *hillside* development be designed” **Please explain** why this change was made and how the GPU FGMP will regulate hilltop development. No IM is shown for this Policy. **Why has the original FGMP (p. 35) Implementation been omitted** (“The design of subdivisions will be reviewed by the Site Plan Review Committee to assure the visual impact to the foothills is minimal.”)?

FGMP-1.14 “Legally Conforming Commercial Uses” (p. 3-7): The original (p. 12, #4) states that “Existing, legally conforming commercial uses . . . *may be recognized* with an appropriate use designation . . . consistent with other policies in *the* FGMP.” The GPU version says “The County *shall designate* existing, legally conforming . . . consistent with other policies in *this* FGMP.” Why has the onus been changed to the County? This Policy’s **Implementation Measure, #8 on p. 3-13** differs from the original (FGMP, p. 22), which says “Substantial improvement or expansion to *existing* zoned commercial uses” **Has “existing” been intentionally omitted** in the GPU version?

FGMP-2, under “Foothill Area Communities” (p. 3-8) has added the **Badger Development Corridor** to the communities of Springville, Three Rivers, and Lemon Cove (original goal #1, p. 11). **Please explain** why this change was made.

FGMP-2.1 “Community Commercial Development” (P. 3-8): The **Implementation Measure** for FGMP-2.1 (#9, p. 3-14) states, “The County shall ensure that the land use and circulation plan for a development corridor will *limit* retail commercial development designations outside Three Rivers, Springville, and Lemon Cove,” but the original FGMP (p. 22) states that the land use and circulation plan will “*preclude*” such development. **Please explain** why this change was made.

FGMP-2.2 “Badger Development Corridor” (p. 3-8): No IM is shown for this Policy. Are IMs #10 and #11 (p. 3-14) related to this Policy? How is this Policy related to FGMP-2.3? What are the “established land use patterns” in the Badger Development Corridor? Please see also and incorporate here by reference the comments under FGMP-3.1 below.

FGMP-2.3 “Badger Density” (p. 3-8): Why does the GPU depart from the original FGMP, which based new development on environmental factors such as water availability, soil, slope, vegetation, landmarks, watercourses, and other natural features? How was the 1 DU/5 acre maximum residential density determined for the Badger Development Corridor? No IM is shown for this Policy. Are IMs #10 and #11 (p. 3-14) related to this Policy? Please see also and incorporate here by reference the comments under FGMP-3.1 below.

FGMP-3.1 “Innovative Residential Design” (p. 3-8) encourages innovative design such as planned unit or cluster development to conserve and preserve surrounding open space from unnecessary disturbances, but its **Implementation Measures (#10 and #11, p. 3-14)** apply only to the Badger Development Corridor and state that the County shall establish 5-acre minimum parcel size and “*shall initiate changes in this FGMP specifically for the Badger Development Corridor to accommodate uses of property and densities not presently reflected in this FGMP, so long as specific plans for development and densities have been prepared and are available for review at the time the Commission initiates consideration of the plan change.*”

Please explain and justify this radical departure from the policies of the FGMP: What kind of “*uses of property*” and “*densities*?” Will there be noticed opportunities for public review of and input to these documents? What policies will govern these uses and densities? What is the demonstrated need for such abrogation of the FGMP? Will EIRs be required for these specific plans? **What would be the direct and reasonably foreseeable indirect effects of these changes?** Why are there no timeframes for these IMs?

As for **IM #10 (p. 3-14)** and the 5-acre parcel size that this IM “would” establish, **how does this IM relate to FGMP-2.3 (p. 3-8)**, which states that the County shall limit the maximum residential density of areas [does this mean all areas?] within the Badger Development Corridor to one dwelling unit per five acres?” The reference under FGMP-2.3 indicates “Amendment 83-03; Implementation Measure I.” Does this indicate that the FGMP has already been amended, in 1983, to implement this 1 DU/5 acre policy? Or was the Amendment proposed but rejected? **Please explain. Please provide** a clear, detailed baseline map of the foothill plan area and corridors and include correct, current land use designations and zoning.

FGMP-3.2 “Excavation Operations” (p. 3-8): Please explain why this policy has been changed from the FGMP (p. 14) original? The original requires a *conditional use permit*, but the GPU version requires a *mining permit*. The original describes procedures which mitigate “*environmental, social and economic impacts,*” but the GPU *omits the social and economic impacts*. **Please explain specifically** how the IMs (#10, #11, and #12 on p. 3-14) designated for FGMP-3.2 relate to it. **Why has the original Implementation (p. 27 of the FGMP) been omitted**

(“The environmental impact report process is the mechanism which will provide specific data both to the Site Plan Review Committee and the Planning Commission for purposes of determining a decision on the conditional use permit.”)?

FGMP-4.1 “Identification of Environmentally Sensitive Areas” (p. 3-8): Please explain why the original (p. 15) “*special wildlife habitats*” has been changed to “*habitat of special status species*” in the draft GPU. The IMs listed for this Policy (#13 and #14 on p. 3-14) relate only to visual impact and scenic corridors. **Please cite for this Policy IMs that relate directly to identifying and protecting environmentally sensitive areas** such as floodplains, steep slopes, unique sites, riparian woodland, wildlife habitat and corridors, etc. The original FGMP (p. 34) states that “Level III designates the *major riparian areas* of each development corridor as *open space*. Review of landscaping plans through the site plan review process will insure that areas to be landscaped are compatible with surrounding native vegetation. Level II of the FGMP identifies *wildlife habitats* in each development corridor. Level III of the FGMP *designates sensitive wildlife areas as open space* in each development corridor.” **Where in the GPU documents does this information appear? Please include and it on a clear baseline map of the FGMP Area and its development corridors.**

FGMP-5.1 “Protect Agricultural Lands” (p. 3-9): This Policy has no listed Implementation Measures and does not state how the County “shall maintain and preserve” foothill agricultural uses. The original FGMP (p. 15) lists three policies in support of this goal (including the use of large lot exclusive agricultural zoning, provision of adequate minimum parcel sizes through agricultural zones in the Zoning Ordinance, and limiting residential development densities in the PD-F areas of Success Valley). **Why have they been separated from the policy in the GPU version?**

The large-lot exclusive agricultural zoning policy of the original FGMP has been rewritten in the GPU as Implementation Measure #18 (p. 3-15), which references GPU Policy FGMP-6.1 (“Preservation of Scenic Highways”). **Why has this IM been rewritten so that it appears to weaken the original FGMP, which stated “Protect . . . agricultural areas . . . from encroachment . . . through the use of . . . zoning”: the new IM says “rezone . . . agricultural areas . . . to reduce encroachment.”**

Shouldn't IM #18 reference Policy FGMP-5.1?

Page 29 of the original FGMP lists three Implementations for protecting the foothill agricultural areas through large lot, exclusive agricultural zoning. One of these now appears as IM #19 (p. 3-15), also referencing Policy FGMP-6.1, which **should, presumably, be corrected to 5.1.**

Likewise, IM #16 (p. 3-14) **should, presumably, be corrected to reference FGMP-5.1.** Please explain why this IM has been rewritten and taken out of context from the original Implementation (p. 27), which stated that, *to support compliance with a common development or Specific Plan designed for an area within a definable geographic area of a development corridor*, “The County shall explore the legality of voluntary

contract cancellation on lands that are within a Development Corridor and under a Planned Development-Foothill Zone.”

Has this Implementation, adopted in 1981, never been acted on by the County? Surely, after 25 years, the County has explored the legality of such cancellations, so what is the context for IM #16? Its

Timeframe is 2007-2010, almost *30 years* from the date of the adoption of the original Implementation.

Please explain how the reader can rely on the efficacy of these Implementation Measures when their originals have evidently not been carried out after three decades.

Likewise, **IM #17 (p. 3-14) should, presumably, be corrected to reference FGMP-5.1.** This IM shows a **Timeframe of 2007-2010.** **Does this mean that the Implementation approved in 1981 to amend the Zoning Ordinance to add a zone to protect and maintain extensive agriculture has never been carried out, and may not occur until 30 years after it was approved?** Same comment as above on #16.

FGMP-6.2 “Identification of Scenic Highways” (p. 3-9): No IM is listed for this important Policy; **please provide a concrete, measurable, enforceable one.** Page 30 of the original FGMP states that Level III of the FGMP provides for circulation patterns for each of the development corridors. Those *roads with unique visual qualities are shown as scenic highways.*” Scenic highways and scenic roads are depicted on one of the maps enclosed in the FGMP. They include Hwy. 245, Hwy. 198 from north of Exeter through Three Rivers, M-296/J37 – Yokohl Drive/Balch Park Drive (from Hwy. 198 to Hwy. 190), J28 from near Springville to Strathmore, portions of Hwy. 190, Globe Drive near Springville, and J42/Success Drive.

Almost *30 years* later, the GPU, in **GPR Figure 7.2-1**, which has been omitted from the January, 2008, version of the GPR, is depicting most of these routes (and some others) as “*Candidate Scenic State Highways and Candidate County Scenic Routes.*” **Please explain what the status is of this 1981 original Implementation and how it relates to GPR Policy SL-2.1 (p. 7-3) almost 30 years later.**

FGMP-6.3 “Development Along Scenic Highways” (p. 3-9): **Please provide an Implementation Measure** for this Policy; **please correct “this FGMP” to the original “the FGMP.”** To which “development standards” is this Policy referring? Are there any development standards in the GPR FGMP specific to scenic highways and routes? The original FGMP (p. 44) includes six development standards specifically related to scenic highway corridor development (including standards for signs, utility improvement, grading, and vegetation and landforms). **Please include these as a minimum. Additionally, please include the original FGMP’s Implementation (p. 30)** that “The Site Plan Review Committee shall insure that the new development adjacent to scenic highways and roads meets the requirements set forth in the development standards.”

IM #6: This Implementation, somewhat reworded, appears as **IM #6 (p. 3-13)**, but it lists only FGMP-1.6 ; **shouldn’t it reference FGMP-6.3?**

IM #14 (p. 3-14) should also list FGMP-6.3; this IM is stated as a Policy in the original FGMP (p. 30), with an Implementation of “Design analysis of the project by the Site Plan Review Committee.” **Please restore the Site Plan Review Committee to the IMs for FGMP-6.3.**

FGMP-6.5 “Cluster Development ” (p. 3-9): Please clarify this Policy and provide it with a concrete Implementation Measure. How will the County “encourage” cluster development?

IM #20 (p. 3-15) promotes cluster development, greater setbacks, etc. to protect scenic corridors. **Please correct** its reference. It does NOT implement FGMP-7.1 (Historical Sites), but is related to **FGMP-6.4** and **FGMP 6.5.**

FGMP-7.1 “Inventory of Historical Sites” (p. 3-9): Please explain how almost 30 years after the FGMP was adopted with a Policy (p. 30) to “Request the Tulare County Historical Society to inventory historical sites and buildings worthy of historical preservation,” the GPU is including a Policy requesting the Historical Society to inventory these sites and buildings. Has the County ever made the request? Was this inventory ever prepared? Is this some sort of on-going activity? **Please provide a concrete IM for this Policy,** or some better mechanism for getting this inventory done.

FGMP-7.2 “Preparation of an Archaeological Sensitivity Map” (p. 3-9): This Policy states that the *County “shall prepare”* this map. **IM #23 (p. 3-15)** states that *an archaeological sensitivity map has been prepared for Tulare County by the Anthropology Department, California State University, Fresno.* The original FGMP (p. 31) states as an Implementation exactly what IM #23 states. **This map was created almost 30 years ago. Shouldn’t it be updated,** based on what’s been learned in archaeology over the last 30 years?

Please revise Policy FGMP-7.2, which is absurd in light of the fact that it was carried out almost thirty years ago. **Please correct the references in IM #23;** it should reference FGMP-7.1, 7.2, and 7.3, NOT 8.1, 8.2, and 8.3. Also **please update the information in this IM to include at least references to current requirements** of CEQA and SB18.

FGMP-7.3 “Protection of Historical or Archaeological Sites” (p. 3-9): The original FGMP (p. 31) states as Implementation that “The site plan review process will insure that significant historical and archaeological sites will remain protected through provision *for open space easements* on such sites.” Please explain why the wording is different in Policy FGMP-7.3.

IM#15 (p. 3-14) must be corrected; it applies to FGMP-7.3, NOT to FGMP 5.3.

We could continue in this vein through the rest of the FGMP Chapter, but surely the above suffices to show what must be done to correct and conform the GPR version to **match the original, which it should do in intent, content, organization, goals, policies, and implementation measures.**

APPENDIX A

THE AHWAHNEE PRINCIPLES

Preamble:

Existing patterns of urban and suburban development seriously impair our quality of life. The symptoms are: more congestion and air pollution resulting from our increased dependence on automobiles, the loss of precious open space, the need for costly improvements to roads and public services, the inequitable distribution of economic resources, and the loss of a sense of community. By drawing upon the best from the past and the present, we can, first, infill existing communities and, second, plan new communities that will more successfully serve the needs of those who live and work within them. Such planning should adhere to these fundamental principles:

Community Principles:

1. All planning should be in the form of complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents.
2. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
3. As many activities as possible should be located within easy walking distance of transit stops.
4. A community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
5. Businesses within the community should provide a range of job types for the community's residents.
6. The location and character of the community should be consistent with a larger transit network.
7. The community should have a center focus that combines commercial, civic, cultural and recreational uses.
8. The community should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
9. Public spaces should be designed to encourage the attention and presence of people at all hours of the day and night.
10. Each community or cluster of communities should have a well-defined edge, such as agricultural greenbelts or wildlife corridors, permanently protected from development.
11. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed traffic.
12. Wherever possible, the natural terrain, drainage, and vegetation of the community should be preserved with superior examples contained within parks or greenbelts.
13. The community design should help conserve resources and minimize waste.
14. Communities should provide for the efficient use of water through the use of natural drainage, drought tolerant landscaping and recycling.

15. The street orientation, the placement of buildings and the use of shading should contribute to the energy efficiency of the community.

Regional Principles:

1. The regional land use planning structure should be integrated within a larger transportation network built around transit rather than freeways.
2. Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions [the greenbelts can be agricultural].
3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.
4. Materials and methods of construction should be specific to the region, exhibiting continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

Implementation Strategy:

1. The general plan should be updated to incorporate the above principles.
2. Rather than allowing developer-initiated, piecemeal development, local governments should take charge of the planning process. General plans should designate where new growth, infill or redevelopment will be allowed to occur.
3. Prior to any development, a specific plan should be prepared based on these planning principles. With the adoption of specific plans, complying projects could proceed with minimal delay.
4. Plans should be developed through an open process and participants in the process should be provided visual models of all planning proposals.

Our Recommendation:

The Local Government Commission has now developed Ahwahnee Principles for Economic Development, for Water, and for Climate Change. These are on the website: www.lgc.org. **Please incorporate them here by reference and make them a foundation of the GPU/RDEIR.**

APPENDIX B

ADDITIONAL COMMENTS ON THE RDEIR ALTERNATIVES, RDEIR CHAPTER 4.0, p. 4-1 ff

RDEIR p. 4-2, second paragraph, “significant environmental impacts . . . to eliminate or reduce”:

Fourth bullet: **Please add** to this “Loss of agricultural land *and open space*.”

Seventh bullet: Thank you for adding the extremely important groundwater and water supply impacts.

PLEASE ADD as an eighth bullet: **Greenhouse gas emissions and global climate change impacts.**

Alternatives Selection Process (RDEIR p. 4-2): Please explain why this section has substantially changed the information regarding this process from the description in the 2008 DEIR and the August 2005 Tulare County General Plan Policy Alternatives newsletter (as referenced on RDEIR p. 2-24 and p. 4-2). The RDEIR’s description of the City-Centered Development Scenario leaves out important information (e.g., “This approach would not ignore the needs of unincorporated communities, and would look at policy solutions to address housing, services, and infrastructure needs to meet future growth” “Key advantages of this scenario include . . .” etc.) The RDEIR states (p. 4-2) that “the population calculations reveal differences from the original 2005 assumptions.” **What population calculations? What caused the differences, and where and how is this reflected?**

RDEIR p. 4-3 says that under the Rural Community Development Scenario, “County land use decisions would promote development of new communities and the expansion of existing communities within the foothill areas. It is anticipated that this approach would require the implementation of a major infrastructure expansion program.” This RDEIR language was taken from the *December 2004* Alternatives document. But in the *August 2005 Policy Alternatives document, which is the one referenced in the RDEIR (p. 18)*, the Rural Communities Alternative stated that it “emphasizes growth in the eleven unincorporated communities that have or are expected to soon have an adopted Redevelopment project Area (RPA) and Community Plan. Key advantages for this scenario include *the utilization of existing infrastructure, services, and community cooperation while also protecting agricultural lands and maintaining the rural character of the county.* . . . The distribution of future growth under this alternative is 25% of new population is directed to the 20 unincorporated communities. Of this amount 80 percent is targeted to the eleven unincorporated communities that have an adopted, or are expected to soon have adopted, a RPA and Community plan. Distribution of new population is based on each community’s share of total UAB/UDB population of the eleven communities in 2000. . . . The other 20 percent is allocated to the other nine communities based on each community’s percentage share of total UAB/UDB population of those nine communities in 2000. . . . 5 percent of new population is directed to other unincorporated areas (rural areas).” This is a totally different description. Please explain. Likewise for the Proportional Growth and Transportation Corridors.

The GPU/RDEIR is very deficient because it never shows with any specificity where it intends to direct the GPU population increase within the unincorporated area. It does not show anything like the detail illustrated above from the 2005 document. The RDEIR shows only a gross difference between unincorporated and incorporated, but it never explains how the various Alternatives accomplish these differences, nor does it ever show specifically into which places in the unincorporated area the population will be directed under the various Alternatives. Nor does it ever present and analyze what has caused the variations in growth in the unincorporated places in, say, the last 10-20 years and indicate how those factors will continue or not to affect growth and development under the various Alternatives. To what extent were these outcomes caused by policies and implementation measures in the existing General Plan? The RDEIR should be extensively revised to remedy these deficiencies.

For example, the recently adopted Tulare County Housing Element includes on p. 25 Table 3-B – Population Trend, which shows for a number of the unincorporated communities their 1990 and 2000 population, the numeric change, and the percentage change. It shows that Earlimart grew by 12%, Goshen by 1%, Ivanhoe by 36%, London by 13%, Pixley by 5%, Richgrove by 44%, Strathmore by 10%, Terra Bella by 26%, Tipton by 29%. (For a number of the communities not listed in these comments, no population figures were available for 1990 because they were not Census Designated Places at that time.)

Many of these communities are on Highway 99 or 65, most have RDAs. The only community shown as losing population in this period was Poplar-Cotton Center, with a loss of 27% (it is an RDA). **Are all of these communities scheduled for growth and development under the RDEIR Alternatives? Do their wildly varying historical growth figures affect how growth and development will be apportioned to them under the various Alternatives? Do the Alternatives consider to varying degrees what effect location (e.g., on main highway or not, near tourist attraction or not, etc.) and current development aid status (e.g., RDA or not) should have on where population growth should be directed? Do the Alternatives consider to varying degrees existing infrastructure (e.g., water and sewer, sidewalks, paved roads, street lighting, stormwater management, etc.) and services (e.g., fire station, police station, schools, library, clinic, etc.) and employment opportunities in deciding where to direct growth in the unincorporated area?**

The RDEIR should be revised to accurately present the various scenarios as they were described in the Policy Alternatives document (and/or to explain why it has changed their descriptions). It should also be revised to explain and illustrate how the various Alternatives actually work to direct growth and in what specific ways their outcomes would actually vary. It should show specifically what factors are considered in selecting places into which to direct growth under the various Alternatives. It should provide a recent history of growth in these places to show how they've been growing without the General Plan Update for comparison with how they would grow under the various Alternatives.

RDEIR p. 4-3 states that the alternative selection process “was conducted to **incorporate stakeholder input** (in the form of workshops).” In those workshops, **the public’s priorities were very clear: clean air, clean and reliable water, preservation of agricultural and open space lands, a more diverse economy** This information has now been deleted from the GPU GPR and does not appear in the RDEIR. It does not seem to be the foundation of any of the Alternatives. **The RDEIR should be revised to include at least one Alternative that is designed to focus on achieving these priorities. That Alternative would also be the environmentally superior Alternative.**

Table 4-1 in the RDEIR (pp. 4-4 – 4-5) shows population percentages between Incorporated and Unincorporated for the different Alternatives. **Please explain why these percentages do not match those in the Policy Alternatives document** and the same Table on p. 7-3 in the 2008 DEIR (in the RDEIR, the table keeps bumping up the percentage going to the Unincorporated area).

In **Table 4-1**, Alternative 5 (Confined Growth) and Alternative 1 (No Project) implausibly end up with the *same* 26%/74% population split in 2030 (whereas the GPU and the other Alternatives end up with *higher* percents in the Unincorporated). In the Policy Alternatives document, *the City Centered Alternative produced the 26%/74% split.* **Please explain how and why the Confined Growth Alternative would produce the same results as the No Project Alternative.**

Table 4-2 – Summary of the Alternatives Ability to Meet the Proposed Project Objectives (RDEIR p. 4-5): **Please explain and illustrate how the “Yes” and “No” ratings were arrived at, since they appear to make no sense.** For example, as discussed above, presently (under “No Project” conditions), many of the unincorporated communities have been RDAs for over 20 years, and many of the unincorporated communities have been growing very rapidly. Presumably the RDA projects have helped to improve their quality of life and economic viability. But Table 4-2 says these objectives would not be met under the No Project Alternative (or the City-Centered Alternative, or, in the first case, the Confined Growth Alternative). **But what is the logic of this? Will the RDAs be discontinued? Will the populations decline? What are the specific factors that will change the ratings between Yes and No? What determines that the first Objective is the only one for which Alternative 5 rates a “No?”**

Also, Table 4-2 has as its 3rd Objective “Protect from urban encroachment . . . through the implementation of the Goals and Policies of the General Plan.” Understandably, this is marked “No” for the No Project Alternative. **Please explain why it is marked “No” for Alternative 4-Transportation Corridors.** Will the GPU Goals and Policies not apply to Alternative 4?

It is duly noted that Table 4-2 states that *Alternatives 3 and 4 will not avoid rural residential sprawl.*

Table 4-3 – Summary of Impacts (RDEIR pp. 4-7 – 4-12): This Table lists 61 (unless we counted wrong) impacts. Except for a few pluses and minuses, the **Alternatives are all rated just the same in terms of their impacts** except for 3.11-5 (where Alternative 4 gets a worse rating).

This indicates that there must no substantial differences among the Alternatives, and certainly no Alternative that is clearly the environmentally superior Alternative. The Alternatives must be revised in order to present a clearly environmentally superior Alternative. That Alternative would best serve the people's priorities and would provide for the healthiest and most sustainable growth, which would also be best for the economy. It would also best meet the requirements of AB32, SB375, and the County's Climate Action Plan.

We strongly recommend that the Healthy Growth Alternative proposed in the April, 2008, comment letter from Tulare County Citizens for Responsible Growth be included as an Alternative. It would clearly be the environmentally superior Alternative and would best meet the people's priorities and the GPU objectives, as well as AB32 objectives, SB375 objectives, and the County's Climate Action Plan objectives. (Of course, the 2010 GPR would have to be extensively revised in order for any of these objectives to be achieved.) The RDEIR's Alternative 5 – Confined Growth Alternative is labeled in the RDEIR as the environmentally superior Alternative, and yet it, of course, in no way confines growth at all since it allows virtually unlimited exceptions for "extenuating circumstances," including growth corridors and New Towns, rendering it meaningless unless it is almost completely revised. If it were changed to incorporate without exceptions the recommendations of the TCCRG-proposed Healthy Growth Alternative, then it could live up to its (currently extremely misleading) title.

It's good to see the new section on Energy and Global Climate Change in the list of impacts, since those impacts are so significant (although they're mostly being listed as LTS). However, **the GPU/RDEIR substantially fails to address Global Climate Change in any meaningful way.** The RDEIR (p. 3.4-1 ff) provides regulatory background on global climate change, but very little directly applicable and relevant scientific information. It does not present the facts that galvanized State and Federal legislation. It does not assess and explain the GPU project's impacts on GHG emissions (nor does it assess the effect of climate change on the project and its impacts), nor does it in any way meaningfully compare and explain the various Alternatives' impacts.

It does state (p. RDEIR 3.4-6) that "*local governments are 'essential partners' in the effort to reduce greenhouse gas emissions, and that they have 'broad influence and, in some cases, exclusive jurisdiction' over activities that contribute to green house emissions. Local governments may contribute to significant direct and indirect greenhouse gas emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Many of the proposed measures to reduce greenhouse gas emissions rely on local government actions. The plan [CARB's Scoping Plan, 2008] encourages local governments to reduce greenhouse gas emissions by approximately 15 percent from current levels by 2020.*"

Nowhere does the GPU/RDEIR indicate whether or how it plans to address this reduction target. It lists recommended actions (Table 3.4-1, RDEIR p. 3.4-7), but does not show how the GPU or the other Alternatives respond to these actions. RDEIR p. 3.4-10 quotes from OPR (2008): “Mitigation measures . . . may include . . . alternative *project designs or locations that conserve energy and water, measures that reduce vehicle miles traveled by fossil-fueled vehicles, measures that contribute to established regional or programmatic mitigation strategies, and measures that sequester carbon* to offset the emissions from the project.” The RDEIR never directly addresses or quantifies how the various Alternatives would implement and effect such mitigation measures. RDEIR p. 3.4-13 concludes that “*Tulare County’s regulatory and planning activities directly influence how, and to what extent, energy is used in the County.* Local regulations governing the design, construction and use of buildings affect operational energy needs. Transportation policy decisions directly affect petroleum-based fuel requirements.” Unfortunately, the GPU/RDEIR never demonstrates any firm commitment, leadership, innovation, or concrete, specific, timely, required actions to reduce GHG emissions in the County, nor does it show any significant difference among the Alternatives’ effects in this regard.

Clearly, the GPU/RDEIR must be made to include an Alternative that is significantly superior in this highly important (perhaps most important) area. Again, we recommend that the County include and adopt a true Healthy Growth Alternative, such as the one recommended by Tulare County Citizens for Responsible Growth in their April, 2008, comment letter, and that TCCRG is recommending again in this GPU/RDEIR comment period. All of the Alternatives currently included in the RDEIR allow and promote unlimited sprawl development in New Towns (“planned communities”) and Regional and Urban Corridors. This is totally contrary to the measures recommended for reducing GHG emissions.

On p. 3.4-14 ff, the RDEIR discusses the Environmental Setting, Greenhouse Gases, and Potential Effects of Global Climate Change and concludes (p. 3.4-25) that “implementation of the proposed project would result in *similar impacts to all geographic planning areas of the County.*” RDEIR p. 3.4-28 states that “Future development subsequent to the General Plan 2030 Update *would primarily occur in or adjacent to existing developed urban areas,*” within the CACUDBs, CACUABs, HDBs, PCAs, MSCs, and Development Corridors in the FGMP. This soothing statement completely skips over the fact that growth-inducing New Towns (PCAs) such as the proposed Yokohl Ranch development of 10,000 houses and 29,000 residents, could be located apparently anywhere. Indeed, the Yokohl Ranch development is not within or adjacent to any existing developed urban area, nor any of the other listed areas (except for a tiny piece in a Development Corridor).

Such development in no way allows “for the logical extension and utilization of existing utilities, public services, and other amenities such as proximity to employment centers, commercial uses, and public transit” (RDEIR p. 3.4-27). Unless the GPU/RDEIR includes, and the County adopts, an Alternative that requires all new growth to occur

within existing boundaries (which have plenty of room to accommodate “planned” communities of a size and scale necessary to accommodate growth in the County), the RDEIR’s assertion of “logical extension” is specious and false.

RDEIR p. 3.4-11 states that lead agencies are urged “to *quantify, where possible, the GHG emissions* of proposed projects.” Other qualitative factors may be used in significance determination, including “the *extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting . . .*, whether the emissions exceed a threshold of significance . . . and the extent to which the project complies with regulations or requirements adopted to implement a . . . plan for the reduction or mitigation of GHG emissions.”

RDEIR Appendix E – Greenhouse Gas Emission Inventory provides an inventory of estimated GHG emissions for the unincorporated County for 2007 and projects the information to 2030, assuming adoption of the GPU. **It does not show what the projected emissions information would be under the various proposed Alternatives, and so fails to inform the reader of whether they are likely to produce significant differences in this important area.**

RDEIR p. 3.4-32 asserts that “numerous policies” in the GPU/RDEIR “support Scoping Plan measures related to energy conservation and green building standards, regional transportation targets, water conservation, solid waste, and agriculture.” The RDEIR states on p. 3.4-32 that the County’s dairies/feedlots contribute about 60% of the GHG in the unincorporated County and concludes that this “is substantial and could conflict with the State’s ability to meet the AB32 goals.” As discussed in several places in these comments, the GPU/RDEIR’s failure to address the confined animal facilities operations in Tulare County renders it deficient and inadequate in almost every aspect, and it must be revised to remedy this enormous omission. Needless to say, **none of the Alternatives address the dairy/feedlot issues in any discernible or differentiating way.**

The RDEIR concludes (p. 3.4-32), “In summary, the proposed project addresses the issue of climate change in a variety of ways that include adopting a land use plan that is consistent and supports Tulare County Regional Blueprint principles [see discussion above in these comments re this Blueprint] along with implementation of a variety of policies designed to reduce both mobile (i.e., supporting transportation alternatives to the motor vehicle) and stationary sources (i.e., supporting energy efficiency and conservation measures that exceed State Title 24 standards) of GHG emissions. Furthermore, the General Plan 2030 Update contains a number of policies that would implement or support the measures recommended by the Attorney General for addressing global warming in general plans (see Table 3.4-5 below)” (**RDEIR p. 3.4-33**).

The impressive-looking **Table 3.4-5 lists dozens of GPU/RDEIR policies and implementation measures.** It is followed (RDEIR pp. 3.4-38 and 3.4-39) by **Required Additional Mitigating Policies and Implementation Measures.** Unfortunately, as pointed out in detailed discussion above of these policies and implementation measures, **virtually none of them will serve to avoid, mitigate, or implement reduction of GHG emissions or actually require any resource efficiencies beyond those required by law (although the County seems to be behind in getting those into ordinances).** This pattern typifies the GPU/RDEIR.

Furthermore, many of the Impact Statements have been significantly re-worded, to the point that the RDEIR should explain why the changes have been made.

For example, under Agricultural Resources (RDEIR p. 4-7), impact 3.10-2 says, "The proposed project could conflict with the provisions of the Williamson Act contracts through early termination of active . . . contracts." This impact was labeled AG-2 in the 2008 DEIR (p. 7-5): "The GPU could *conflict with existing zoning for agricultural use*, or conflict with existing Williamson Act contracts" **Please explain why "conflict with existing zoning for agricultural use" has been omitted from this impact, which definitely alters the meaning.**

For another example, the next impact in the RDEIR is "The proposed project would involve other land use conflicts between agricultural and urban uses." In the 2008 DEIR this was, "The GPU could involve other changes in the existing environment that, due to their location or nature, could result in conversion of Important Farmland to non-agricultural uses." **Please explain why this impact has been substantially re-defined, providing a very different meaning for the impact.**

For another example: Impact 3.8-3 (RDEIR p. 4-9) states "Development under the proposed project could be located on a hazardous materials site." **Why has the RDEIR deleted the following words from the 2008 DEIR: "and as a result could create a significant hazard to the public or the environment?"**

For another example: Impact 3.8-6 (RDEIR p. 4-9) says, "the proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires." **Why has the RDEIR deleted the following words from the 2008 DEIR: "where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?"**

For another example: Impact 3.6-2 (RDEIR p. 4-10) says, "The proposed project would result in impacts to groundwater supply, recharge, and secondary impacts to groundwater resources." Why has the RDEIR deleted the following words from the 2008 DEIR: "*The GPU would have the potential in the long-term to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?*"

There seems to be a pattern here of diminishing the description and effects of these impacts. **Please restore the altered or eliminated information or explain satisfactorily why it is no longer applicable.**

Also, in the Public Facilities and Services Impacts section (RDEIR p. 4-11), you have omitted the impact labeled PFS-19 in the 2008 DEIR (p. 7-13): "*The GPU may require the construction or expansion of additional energy infrastructure facilities, the construction of which could cause significant environmental effects.*" **Please include this impact in the RDEIR or explain satisfactorily why it is no longer applicable.**

1. The DEIR **does not offer a reasonable range of Alternatives** – the actual range presented is too narrow, and all the Alternatives have many of the same problems and seem to all have the same impacts.
2. None of the descriptions of the Alternatives **explain what will cause their different growth pattern outcomes**; all but the No-Project Alternative are **based on the same GPU/GPR**, so they are all guided by the same goals, policies, and implementation measures. **Why, then, will their outcomes differ** in terms of amount of population growth and location of population growth? **The RDEIR must explain clearly, with specific examples, how the different Alternatives will cause significantly different outcomes with substantial variances in meeting the project objectives.**
3. The descriptions of the various alternatives are **too vague to enable a clear understanding of the difference in their mechanisms** so as to evaluate whether they *would actually create the outcomes* described and to enable a **clear understanding of the differences they would produce** (e.g., comparison of number of acres converted to urban uses, comparison of quantified VMT impact, comparison of cost to County for public services [police, fire, water supply, sewer, parks, etc.], so as to provide a sound basis for decision-making. The RDEIR should provide specific *examples of the difference in outcomes that would be created* by the various Alternatives.
4. None of the descriptions of the Alternatives lay out the **effect of the Alternatives on global climate change impacts and their likelihood of furthering Tulare County's compliance with AB32, SB375, the County's Climate Action Plan, and other State and federal clean air requirements, nor the effect on air quality and public health**; much more specific projections are needed to enable valid comparisons and decision-making. **Additionally, the effects of global climate change on the projected growth patterns of the various Alternatives are not described; the RDEIR Alternatives should be revised to discuss this important information.**
5. None of the Alternatives clearly present **any mitigation strategies** that would offset their impacts. *Before* any more agricultural or open space land is converted, the County should establish *and implement* an effective General Plan mitigation program, including, but not limited to, strategies such as transfer of development rights, mitigation banking, and incentives for continuing to maintain land use as agricultural or open space. The RDEIR should make clear how much land is likely to be converted under each Alternative and ensure that an appropriate mitigation plan with a ratio of at least 1:1 is in place to accommodate the maximum acreage involved.
6. None of the Alternatives address the **desire or capacity** of the unincorporated communities and hamlets and MSCs (or other unincorporated areas that would be converted to “corridors”) **to accommodate substantial development**. What is the relative *carrying capacity* available under each of the Alternatives, and how is that factored into the various projections?
7. None of the Alternatives address their effect on **diversification of the County's economy**. The RDEIR should be revised to explain, with examples, specifically how the different Alternatives would produce different results in achieving this Goal.
8. None of the Alternatives address in any detail their **impacts on water supplies and water quality**, despite the County's impending water crisis. The descriptions only mention, in the most general way, potential impacts on groundwater recharge potential. None discuss the potential impacts of global climate change and reduction of

available imported water supplies and groundwater on the County's ability to grow. Much more specific information is needed in order to meaningfully compare the Alternatives.

9. **None of the Alternatives are sufficiently environmentally superior to offer a valid choice** for accomplishing that goal.

10. None of the Alternatives provide a **cost/benefit analysis** of their proposal; such analysis should be provided for each, and then a comparison should be made; the County has major fiscal problems, so this information is important

11. The Alternatives section should include **maps** reflecting the current development footprint, and then the location, and individual acreage increases and total acreage increases of the described development patterns, so that the Alternatives' impacts may be visually and numerically compared. The maps also must **indicate significant natural resource lands (high quality agricultural, riparian, wetlands, other significant and endangered habitats and waterways, groundwater recharge areas, etc., and the amount of loss in each of these areas) so that relative impacts on these irreplaceable resources c/b quantified and compared.**

12. The various Alternatives raise different issues and contain different types of information so that they are **inconsistent and do not provide for meaningful across-the-board evaluation and comparison.** , why wouldn't this description be the same for all of them?

13. All of the Alternatives should address the needs of all the existing unincorporated urbanizing areas.

14. **All of the Alternatives except #1-No Project assume that all of the proposed policies and implementation measures contained in the GPU GPR w/b included as part of each Alternative. Unfortunately, the policies and implementation measures in the GPR are too often vague, weak, unclear, unmeasurable, or absent and so will not provide the strong and timely direction needed to protect and revitalize the County's economy, communities, and natural resources. For any hope of a sustainable future, at least one Alternative must be presented that would strengthen the GPR's policies and implementation measures to the point that they will actually produce positive change in the pattern, type, and quality of new development. Such an Alternative would also be the environmentally superior Alternative.**

15. In the County's GP workshops, the public was strongly in favor of city-centered growth and did not want new towns or unnecessary loss of agricultural or open space lands, but none of the Alternatives focuses clearly and strongly enough on this goal, and they would be gutted anyway by the policies and implementation measures in the GPU GPR); the GPU GPR encourages development of new towns and new growth corridors, which are antithetical to compact, resource-efficient, city-centered growth. **At least one Alternative must be provided that would truly direct growth to within the boundaries of areas already urbanized that want and can support new development;** such an Alternative must not be rendered meaningless by loopholes in itself and by policies and implementation measures too vague and weak to make it happen.

In summary, the Alternatives, as presented, are far too vague, are premised on assumptions that are not explained, are inconsistent in the points they address, are incomplete, do not offer a reasonable range of clearly differentiated alternatives, and therefore do not enable readers to logically compare the Alternatives, nor to select any of the Alternatives as likely to fulfill the people's priorities (and certainly not if the GPR is adopted without considerable

revision.) **For additional detailed comments on the various Alternatives, please see our comment letter submitted in April, 2008, which is attached and incorporated by reference herein.**

This May, 2010, letter overrides any inconsistencies in that attachment (we have not, however, changed the GPU document page numbers, etc. in the 2008 comments to correspond to the re-numbering and re-arranging in the current version of the GPU/RDEIR).

We urge that the GPU/RDEIR be revised throughout in order to provide a strong, effective Plan that will promote the health and sustainability of our economy, our communities, and our natural resources. We urge that the GPU/RDEIR be revised to include a truly reasonable range of Alternatives and at least one very clearly environmentally superior Alternative that will effectively serve to achieve the people's priorities, as discussed above.

We urge that this Alternative be the **Healthy Growth Alternative** proposed in the April, 2008, comment letter from Tulare County Citizens for Responsible Growth, and being proposed again in that organization's May, 2010 comment letter. We urge the County to adopt that Alternative (or better).

Thank you for considering and responding to our comments.

Thank you for the opportunity to comment on these documents – the revised Goals and Policies Report, the Matrix of comments received, the Background Report (**we were not previously aware of its existence and its importance; it was not given out with previous versions of the Goals and Policies Report**), the draft Environmental Impact Report, the Policy Alternatives document, and the additional pages for the DEIR, including Appendices A, B, and C, which were issued with a cover memo dated January 25, 2008 (but which did not include the Tables described in Appendix C), as well as the subsequent correctory to Appendix C issued on February 26, 2008.

OVERVIEW:

Obviously, County staff and consultants have labored hugely to generate and compile this material. It is heartening to find that a number of the comments documented in the Matrix have been positively addressed and that many of the new Goals and Policies aim to promote a better future for Tulare County.

On the other hand, it is disturbing to find that, at the outset of a new century, suffering too often from the worst air quality in the nation, recognizing that it is facing an emergency in water supply and quality, and menaced by the dire threats of accelerating global warming and the demands of a rapidly burgeoning population, Tulare County is doing so little to boldly address the work that must be done to create a General Plan that will ensure a better future for its residents.

THE GPU DOES NOT ADEQUATELY INVENTORY AND ANALYZE BASELINE AND IMPACTS:

The Value Statements, Framework Concepts, and Guiding Principles of the Goals and Policies Report are worthy, inter-related, and generally reflective of the expressed wishes of the County's citizens. Yet despite hundreds of pages of comments received on the Goals and Policies and on the NOP for the EIR, and regardless of the professional, scientific, legislative, and legal findings available to guide it, **the County is still failing to adequately inventory and analyze current (baseline) conditions (in the Background Report), to adequately inventory and analyze the environmental impacts associated with the General Plan's implementation (in the DEIR), and to write policies and implementation measures adequate to effectively address the adverse effects of current conditions and those adverse conditions that will be created or exacerbated by implementation of the proposed General Plan.**

The Plan's component documents present a great deal of information, but too often ignore or assume solutions to problems without presenting the public and decision makers with sufficient facts and clear analysis to confidently determine that the necessary relevant issues and their impacts have been fully and accurately described and that the policies and implementation measures provided to remedy these adverse conditions will be sufficiently comprehensive, clear, firm, measurable, enforceable, and funded to do so.

For example, p. 1-6 of the Goals and Policies Report (under 1.4 Environmental Analysis) states that the General Plan and EIR have been prepared as a combined document to minimize redundancy. Minimizing redundancy is admirable. However, there are **numerous instances in which these documents conflict, making them inconsistent and therefore unable to be analyzed or to provide a sound basis for decision-making** (e.g., DEIR p. 3-8 discusses a revision of policy AG-1.6, and writes out the revised policy on p. 3-9; however, policy AG-1.6 in the Goals and Policies Report, p. 4-4, has not been revised, so the reader does not know which version to address) and **thus the components taken together do not meet the CEQA requirements for EIR content and analysis.**

Additionally the **Background Report**, which is to provide the environmental setting, in numerous instances **does not provide sufficient information to establish a clear baseline and inventory of existing conditions and their impacts, nor does it sufficiently explain the sources used and the basis for selection of the information presented; in some instances it seems even to be deliberately misleading.**

For example, Table 6-2, on p. 6-11 of the Background Report is mystifying on its face; after investigation on the CARB website, **Table 6-2 turns out to be, in fact, information from two separate tables that has been erroneously combined under the headings of only one of the tables.**

The Table must be corrected: split into two parts, with the second half being the Number of Days Above the Federal Standard.

Furthermore, the **Table is misleading because it does not describe and clarify the basis for the information it presents regarding PM10.** The data tables on the CARB website show that **PM10 information is reported two ways, as an actual measurement, and as an estimated measurement.** The PM10 monitoring station samples the air typically **only about every 6 days** and then records the PM10 for each of those days. This measurement provides the **actual PM10 level on about 60 specific days out of the year**, which the CARB reports as the **Number of Days Above the Standard.** The CARB also prepares an estimate of the number of days PM10 levels would exceed the standard within a year by compiling the 60 specific days' measured information and projecting it through the 365 days of that year; CARB reports this as the **Estimated Days Above Standard.** **The Estimated Days Report's figures give a more meaningful idea of the actual PM10 impact, because most of us are breathing the air every day, not just on the approximately 60 days of actual measurement.** Here's the difference, for instance, looking at the data from the Visalia Monitoring Station for 1996-2003. The first figure shows **the number of days out of the approximately 60 on which measurements were actually taken that PM10 exceeded the State 24-Hour Standard;** the second figure shows the **estimated number of days on a yearly basis, projected from the actual days' readings**, that the standard would be exceeded: 1996—25/148.2, 1997 – 11/64.6, 1998 – 18/101.8, 1999 – 30/182.1, 2000 – 30/195.6, 2001 – 27/167.9, 2002 – 29/178.8, 2003 – 17/107.9. **The Estimated Days report shows that PM10 levels are estimated to exceed the State Standard on typically one-third to one-half of the days of the year**, providing a very different impression of PM10 impact from that provided in Table 6-2. Another

way to look at this is to say that the figures that the County selected to include show the number of days exceeding the State standard out of about only 60 days total (the days on which the PM10 was actually sampled). Thus, in 1996, 25 days out of about 60 exceeded the standard, in 1997 11 days out of 60 exceeded it, in 1998, 18 out of 60, etc.

The Table should reproduce exactly the complete information from the CARB website, not edit it to create a misleading impression of the impact.

Additionally, the Background Report is supposed to provide information on conditions in 2005, but Table 6-2 (BR p. 6-11) provides information only through 2003, while the CARB site contains the data through 2006. Therefore, **the Table should be updated to show the information at least through 2005, and preferably through 2006** (Table 4-2, for example, on p. 4-50 of the DEIR shows data regarding vehicle emissions for year 2007). Also, the CARB site began showing PM 2.5 data in 2004, but Table 6-2 has omitted this important report.

The Table should be updated to include the PM 2.5 data.

That so many errors and inadequacies are found in a single table raises concerns regarding the accuracy and reliability of the other tables and information in the GPU documents. Numerous examples will be noted below as these comments proceed through the GPU.

THE GPU DOES NOT PROVIDE ADEQUATE POLICIES AND IMPLEMENTATION MEASURES:

Furthermore, the Goals and Policies Report and Area Plans are to embody the project description and environmental mitigation. Page 1-8 of the GPR (second paragraph) states that a policy is “a statement that guides a specific course of action for decision-makers to achieve a desired goal. The County has strived to develop clear and unambiguous as [*sic*] policies.” Page 1-2 of the Goals and Policies Report (GPR) states that the GPR is the “essence” of the General Plan and that it “identifies a full set of implementation measures that will ensure the goals and policies in the General Plan will be carried out.” Page 1-9 of the GPR states that an implementation measure is “a specific measure, program, procedure, or technique that carries out plan policies” and that “Implementation measures should describe actions that are concrete and measurable so their completion can be easily monitored in annual reports.”

Unfortunately, many of the policies are far from specific, clear, and unambiguous, and many have no corresponding implementation measures listed. Many of the implementation measures that are provided are so vague as to be neither measurable nor enforceable; many state that they are “new,” yet indicate for their timeline that they are “ongoing,” so that one cannot determine whether they are supposedly already being implemented (in which case the date of actual implementation should be shown) or when one could expect them to be in force; others are scheduled to be commenced so far in the future that it is doubtful that much in the way of meaningful outcomes can be made to result from them within the life of the General Plan.

For example, LU-7.13 on p. 5-20 of the GPR states as a New Policy that “The County shall 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.” **“Encourage” is not a clear, unambiguous, specific course of action**, as required by the definition of a policy on p. 1-8. The **Implementation Measure, #23** on p. 5-24, says “The County shall cooperate with local preservation groups and community property owners who identify historic buildings . . . to encourage perpetuation of identified architectural characteristics in new proposed development . . . within the same viewshed as the historic building.” This is stated to be a New Program. The timeframe is shown as “Ongoing.” **This Implementation Measure (IM) is not “a specific measure, program, procedure, or technique,” nor is it concrete or measurable**, as prescribed by the definition of an implementation measure on GPR p. 1-9. **How does one measure or enforce “encourage,” “should,” and “cooperate?”** The policy to “encourage” is to be implemented by a measure requiring the County to “cooperate” with others to “encourage.” The goal behind this policy is admirable, but how will the policy or its implementation measure ensure achievement of the desirable goal?

Similarly, LU-7.15 (a New Policy on p. 5-20 of the GPR) states that “The County shall encourage the use of solar power and energy conservation building techniques in all new development.” The **Implementation Measure (#24** on p. 5-24) says “The County shall review LEED and LEED-ND certification requirements and develop an implementation program.” This review is timed to start sometime between 2010-2015. **Again, the policy (“encourage”) is in no way a statement of a clear, unambiguous, specific course of action, and the implementation measure (“develop . . . a program”) is far from being a concrete, measurable, specific measure, program, procedure, or technique.** Given the urgency of global warming and the need to comply with AB32, not to mention the County’s severe air and water problems, and also given the abundance of jurisdictions which have already adopted and implemented LEED standards, the County must do much more than merely “encourage” use of solar power and energy conservation building techniques, and the requirement to do so should commence well before 2010.

Unfortunately, these examples are typical of the GPU’s policies and implementation measures: vague, ambiguous, and not measurable. Thus, the policies and implementation measures cannot be relied on to achieve the goals of the GPU, to effect the DEIR’s mitigation measures, nor to implement the selected DEIR Alternative.

THE GPR DOES NOT INDICATE POLICY CATEGORIES: On p. 1-8 (second paragraph), the GPR states that “**Consistency determinations** are not made based upon a specific goal but made based upon policies set out under that goal. . . . The County has strived to develop clear and unambiguous as policies [*sic*].” The last paragraph of p. 1-8 states that “General Plan policies fall into four categories depending on the purpose they serve and how they are implemented.” The categories are (1) **Framing Policies**, which “set out broad direction, much like a goal,” and “typically do not require a follow-up implementation measure”; (2) **Consistency Standard Policies**, which establish a basis for consistency findings in project reviews and are “self-implementing” and do not require follow-

up implementation measures; (3) **County Directory Policies**, which commit the County to an action and **generally require a specific implementation measure**; and (4) **Environmental Mitigation Policies**, which serve to minimize or eliminate environmental impacts, often identified through the EIR process; **it is not stated whether these latter policies require implementation measures.**

However, **the policies in the GPR are not labeled to indicate which of the categories they belong in, leaving the reader to wonder** whether they are supposed to not need implementation measures or are self-implementing, or do require implementation measures.

Please label the policies per their categories (it would be especially helpful if Environmental Mitigation Policies were labeled as such; wouldn't most of them need mitigation measures?).

THE GPU DOES NOT ADEQUATELY RESPOND TO THE PEOPLE'S PRIORITIES:

In public workshops, hearings, and comment letters, the people of Tulare County have repeatedly expressed their priorities for the future: cleaner air, reliable availability and quality of water, growth centered on existing developed areas to minimize the conversion of natural resource lands (farmlands, ranchlands, scenic landscapes, open space, forests) to urban uses, and a more diverse economy; in other words: healthy air, healthy water, healthy land, and a healthy economy.

The GPU gives lip service to these values. Unfortunately, as will be discussed below, **it fails to provide the planning framework; strong mandatory policies and implementation measures; and EIR Alternatives that will fulfill these priorities.**

THE GPU DOES NOT PROVIDE A REASONABLE RANGE OF ALTERNATIVES, NOR DOES IT PROVIDE A REASONABLY ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

The Alternatives presented all assume the adoption of the current draft of the Goals and Policies Report, which, as discussed above, provides inadequate policies and implementation measures that cannot be relied on to effect the project Alternatives or mitigation measures.

None of the Alternatives offers a clear choice and firm direction for compact, resource-efficient, healthy growth, as demanded by the County's citizens, as discussed above.

No concrete, quantified, factual comparison of the relative impacts of the proposed Alternatives is made to enable the reader to confidently evaluate their actual relative effects on the environment and on achieving the project's objectives.

Good maps and statistics should be provided, clearly depicting the "before" and "after" for each Alternative, so that the reader can "see" and evaluate the impacts of each Alternative and its likelihood of achieving the project's objectives.

Indeed, one cannot determine from the GPU what the project objectives are in any concrete sense because the GPU seems never to actually plan or direct growth, or to seriously address environmental impacts, instead lackadaisically

relying on the “market” to determine where growth should go and on “significant and unavoidable” to absolve it of responsibility for the outcome.

The GPU must specifically describe and explain how and where each of the Alternatives will direct growth and show specifically the differences that each Alternative would achieve in terms of air quality, availability and quality of water supply, quantity of land developed, quantity of agricultural and open space land preserved, and diversification and strengthening of the County’s economy – as well as the effect of each Alternative on County compliance with AB32.

The GPU must provide a truly environmentally superior Alternative that is measurably significantly resource-efficient, demonstrably acts to reduce VMTs, and concretely effects compliance with AB32.

This Alternative will ensure that our growth is resource-efficient and focused in our existing urbanized areas that want and can accommodate it, and it will protect and preserve the natural resources on which our economy and our well-being depend. It will be supported and effected by strong, clear, enforceable policies and implementation measures, including a tiered developer impact fee program and an effective mitigation program, that will minimize resource consumption and pay its own way.

Please SEE APPENDIX B for additional comments on the DEIR Alternatives.

ADOPT AND IMPLEMENT THE AHWAHNEE PRINCIPLES (OR BETTER):

Most of the principles for successful healthy growth in our communities are well summarized in “**The Ahwahnee Principles**,” put forth by the Local Government Commission’s Center for Livable Communities.

These principles (or better) should be incorporated into Tulare County’s General Plan, with appropriate policies and implementation measures to ensure that they will be adhered to and carried out in all future urban development in our county.

The Ahwahnee Principles should be added to the Guiding Principles Section of the General Plan Framework (page A-2), to establish the overarching direction for development in the County; thus, they can be easily referenced, and can inform all the policies and implementation measures that follow. For ready reference, we will include them as Appendix A to these comments.

By adopting and implementing the Ahwahnee Principles for development, many jurisdictions have been able to create and maintain a distinct character and sense of place that attracts residents, businesses, and tourists, improving their economy. They have also saved on infrastructure costs. With the adoption of a specific plan prior to any development, the developer knows exactly what the community wants, saving time and money. The participation of citizens (including developers) from all sectors of the community in the process of developing the plan ensures that citizens will get what they want for their community and can create a sense of community and understanding among all sectors. The Ahwahnee Principles were written into a guidance document published by the U.S. Department of Housing and Urban Development of local officials applying for CDBG and other funds. As a nearby example, the

City of Reedley adopted the Ahwahnee Principles and also the Fresno County Growth Alternatives Alliance's "Landscape of Choice" and implemented them in the City's Specific Plan.

The GPU's draft Goals and Policies Report (GPR) includes several of the Ahwahnee Principles in various goals and policies, but they are not yet sufficiently comprehensive, concrete, and enforceable.

ORGANIZATION OF SPECIFIC COMMENTS:

We will continue our comments by following the organization of the Goals and Policies Report, tying in relevant sections of the Matrix, the DEIR, and the Background Report. We will use the term "community" to refer generically to any existing city, community, or hamlet that has a defined development boundary and infrastructure that can accommodate development.

PART I – GOALS & POLICIES REPORT

COMPONENT A --GENERAL PLAN FRAMEWORK

VALUE STATEMENTS (p. A-1): As the people declared that clean air, good water, and agricultural and open space land are their top priorities; and as a healthy environment is essential to a diverse, healthy, sustainable economy and a healthy population; and as the County declared in September, 2007, that we are facing an impending water crisis; and as our air is near or at the top of the worst in the nation (and as AB32 requires that we immediately begin to address that problem); and as global warming will only worsen our air and water problems, we must again recommend that the County add a new Value Statement to the effect that: **"The County will protect and preserve its invaluable natural resources, including air quality, water supply and quality, soil supply and quality, biodiversity, habitat, and open space."**

GUIDING PRINCIPLES

Principle 4 (p. A-2) "Strictly limit rural residential development . . . avoid rural residential sprawl!":

Please strengthen language to ". . . (i.e. prohibit rural residential sprawl)." This is a key strategy for preserving agricultural lands, working landscapes, and open space, and for meeting AB32 requirements.

2. PLANNING FRAMEWORK

PF-1 (p. 2-4) "To provide a planning framework that promotes the viability of communities . . . while protecting the . . . natural resources heritage of the County.": To achieve the goal of PF-1 and to make meaningful Policies PF-1.1 and PF-1.2, the GPR must **include stringent measures to PROHIBIT leapfrog development and to REQUIRE new development (residential, commercial, and industrial) to occur ONLY within existing UDBs and HDBs where infrastructure is available and growth is desired by the community, to adhere to the**

Ahwahnee Principles, to be highly resource-efficient, and to pay its own way. This is our best, and possibly only, hope of achieving the city-centered growth, and healthier air, water, land, and economy prioritized by the people of Tulare County.

PF-1.2 (p. 2-4) “The County shall ensure . . . in the following areas” **should be changed to read: “The County shall ensure that urban development takes place only within incorporated cities.”** The exceptions that are made in the policy as written are **inducements to sprawl.**

PF-1.2, iii, 3 (p. 2-4): If Policy PF-1.2 is not modified as recommended above, then at the very least **Section iii must be deleted.** This policy says to us (and will presumably say the same thing to developers) that a “regionally significant proposal” can run right past all the rules and get approved by the County. **The criteria for “special significance” are spectacularly vague, and provide carte blanche for sprawl.** Is it the County’s intent that these criteria say that sprawl is OK if it is “innovative” (whatever that means; innovative is often not good at all), OR if it does some mitigation, OR if the County can make some money on it, OR if the County feels like approving it? **Recommendation: DELETE this wide-open growth-inducing invitation to sprawl.** This is NOT what the people of this County want, it will work against compliance with AB32, and it is definitely not needed. **Innovation, mitigation, and financial benefits to the County can all be provided within existing UDBs.**

PF 1.3: Please change to: “The County shall *require* those types of” “Requiring” would produce the intended consequence of limiting sprawl, which we have already had far too much of. **Please provide a concrete Implementation Measure for this Policy.**

Implementation #2 “A proposal submitted under PF-1.2 . . . should be subject to . . . review . . . the County should solicit . . . input . . . should consider . . . local interests.” (p. 2-16): **Please change the 3 “shoulds” to shalls;** environmental and fiscal review, input of affected public entities, and balancing countywide and local issues must be mandatory, not discretionary.

PF 1.4: “The County shall *require* residential growth to locate” Same reasons still, substantially strengthened by AB 32 requirements.

PF-1.9 (p. 2-5) “Capacity Building and Self Governance”: Following the Ahwahnee Principles and common sense and good policy, it is essential that the County ensure the involvement of residents in self-governance. **Please change to: “The County shall *ensure that opportunities are available for the residents*”**

PF-1.9, Implementation #2 (p. 2-16) “The County shall investigate techniques”: Please strengthen the implementation measure for PF-1.9; simply investigating techniques will not ensure involvement. **Please change**

to: “The County shall investigate *and implement* techniques to provide for enhanced local input” Three Rivers found the community visioning process to be very useful; we achieved excellent participation. The City of Reedley (see General Comments above) outlines a plan used to good effect in their community. Please **implement as a key technique to ensure involvement: “The County shall hold as many meetings as possible in the evening so that working people may attend, and shall provide notice of these meetings in Spanish when the affected community’s adults speak predominantly Spanish.”** No flexibility is needed for this technique.

PF 2.2 (p. 2-6) “Modification of Community UDB”: These boundaries are rendered meaningless and cannot function to limit urban development nor to provide an outstanding quality of life because **the policies make them far too easy to modify, and even appear to encourage their modification. The boundaries should dictate development patterns; developers’ plans should not drive alteration of the boundaries:** that is a recipe for sprawl. Making the boundaries permanent will encourage efficient development within the boundaries; mitigation fees and tiered impact fees could be used to further efficiency also. **The paragraph beginning “Notwithstanding the foregoing criteria, the County may consider modification to a community UDB if it is determined that the Modification qualifies as a ‘regionally significant proposal’” through its following 4 bullet points should be DELETED.** This paragraph and its 4 points say to me (and I expect that it will say the same thing to developers) that a “regionally significant proposal” can run right past all the rules and get approved by the County. The criteria for “special significance” are spectacularly vague, and provide carte blanche for sprawl. It says to me that sprawl is OK if it is “innovative” (whatever that means; innovative is often not good at all), OR if it does some mitigation, OR if the County can make some money on it, OR if the County feels like approving it. **Recommendation: DELETE this wide-open growth-inducing invitation to sprawl.** This is NOT what the people of this County want, it will work against compliance with AB32, and it is definitely not needed. Innovation, mitigation, and financial benefits to the County can all be provided **within existing UDBs and HDBs.**

PF 2.2, # 2 (p. 2-7) “Prior to approval of a UDB boundary expansion may require . . . infrastructure master plan”: In the Matrix (p. 35) the **suggestion that this wording be changed to “. . . the County shall ensure that infrastructure can be provided *and maintained*”** was rejected on the basis that “provided [implies] maintenance,” and that infrastructure is typically provided and maintained by CSDs and PUDs over which the County has limited control. This implies that the County then likewise could not ensure that infrastructure would be provided to service the new areas added to the UDB, in which case the new areas must not be added. Item #10 on page 2-13 requires that a Planned Community project set up funding mechanisms to cover initial capital costs as well as long-term operations and maintenance for infrastructure. Since #2 on page 2-7 is presumably resulting from a developer’s request to modify the community’s UDB, then it seems that **the County could make the same requirement as in #10 on page 2-13.**

PF 2.2, #3 (p. 2-7), Modification of Community UDB, Implementation #6 (p. 2-16) “The County shall define implementation standards for UDB expansions to avoid uncertainty”: Developing criteria for evaluating when non-ag lands are not reasonably available or suitable is key to the implementation of this important policy for preserving agricultural land, so **please change the implementation timeframe to 2007-2010, with 2008 as the target.**

PF 2.4A (p. 2-7) “Collaborative Community Planning Partnerships”: **Please explain** what is meant by “Requirements for New Town development shall be utilized to guide such private/public joint planning efforts.” It seems that if a developer is funding the community plan update, and this is being called a “private/public collaborative planning partnership” in the corresponding Implementation (#12, p. 2-18), the **developer would have undue influence** on the development of the community’s plan.

This new Policy and its Implementation need to be much clearer about who will be involved in the collaboration and what measures will prevent conflict of interest and undue influence on the plan on the part of the applicant(s).

PF-3.2 (p. 2-9) “Modification of HDB”: To protect water supplies and quality by minimizing hardscape and driving, to improve air quality by reducing VMTs, to improve health by improving air quality and promoting non-automotive travel, to preserve and protect natural resource lands, **the GPR must place much stricter limitations on when an HDB may be modified.**

Please change to: No change to an HDB shall be considered except during hamlet plan update or unless an amendment is proposed to the HDB and the hamlet residents review and approve it (in addition to the requirement for a General Plan amendment). Expansion of an HDB should be a last resort to accommodate more development. If 80% of the non-Williamson Act land within the HDB is developed, then 20% is still available.

Please modify the fourth bullet to require that the available 20% be used (possibly as park or groundwater recharge or recreation land) before allowing consideration of HDB expansion.

Studies, including one by the County’s own consultant, show that all of the growth projected under the GPU through 2030 could easily be accommodated in our existing incorporated cities alone, not to mention our unincorporated communities and hamlets. Therefore, there is obviously NO NEED to expand ANY of our existing growth boundaries during the course of this General Plan. And there are MANY vital reasons NOT to expand any of them (conservation of natural resource lands and working landscapes, groundwater and flood control areas, scenic vistas, good agricultural land, increasing opportunities for walkability and bike-ability, allowing for transit, reducing the increase of VMTs and helping to limit increase of GHG emissions to comply with AB32, etc.).

The GPU should follow the principles of responsible growth and the clearly expressed wishes of the citizens of this county; please do not waste the taxpayers' money and further jeopardize their health and welfare by promoting development that is not contiguous to existing infrastructure and existing jobs.

PF-3.2 para. 2. (p. 2-9) "Modification of HDB" "Prior to approval of a HDB expansion": Please make this enforceable by changing as follows: "If the expansion pushes the hamlet . . .master plan for the hamlet *shall* be prepared . . ."

However, no significant development should be allowed to be planned in any hamlet until a hamlet plan has been completed (with, of course, full public participation), or updated, if such a plan already exists, including a clear factual analysis of the hamlet's short and long term ability to provide necessary urban services. If we can't afford to prepare the hamlet plan, incorporating the desires of its residents, and evaluating its capacity, then how can we afford the consequences of ensuing growth?

The Planning Commission has urged (Matrix p. 45) that hamlet plans require compact development. The policies under LU-1 (pp. 5-12-5-13) are too weak: they only "promote," "encourage," and "support" the principles of smart growth and healthy communities; please make them firm and enforceable. The Implementation Measures are (p. 5-22) similarly too vague and weak (e.g., #3, which says the County shall "consider" incentives to "encourage" smart growth during 2007-2010); please make them concrete and measurable.

The Implementation for the outreach effort to prepare guidelines for the preparation of hamlet plans isn't scheduled to begin until 2010-2015. Thus, many hamlets may have no plans during much of the GPU's timeframe.

Please strengthen these policies and implementation measures to ensure that hamlet growth will be timely and responsibly planned on the basis of smart growth principles.

Matrix p. 47 in comment re PF-3.4 recommended including the policy in PF-3.4 ("Mixed Use Opportunities") in community plans as well, and RMA agreed. However, I do not see that the Mixed Use Opportunities policy has been added to PF-2; please add this policy in the PF-2 section for communities.

PF-3.5 (p. 2-10) "Improvement Standards in Hamlets": RMA states on Matrix p. 47 re comment on this Policy that the County will not stop development in hamlets while new standards are developed, which will not be until after adoption of the General Plan. Recommendation: to guide development in the interim, the County should adopt the Ahwahnee Principles and require all interim development to adhere to them.

PF-4.1 (p. 2-10) "UABs for Cities": Cities should make the decisions regarding growth within their UDBs and UABs if growth is to proceed in an orderly manner and the cities will be providing the urban services to these areas. Why should any development be permitted in the UABs during the life of this General Plan when there is plenty of room for all the growth projected for the next 30 years within the existing UDBs?

PF-4.2 “UDBs for Cities”: Cities should make the planning decisions within their UDBs designated by the County, since the cities have to provide the urban services there. The cities should adopt and enforce adherence to the Ahwahnee Principles in all development within their UDBs. Please see Matrix comments, p. 31, re PF-1.7.

PF-4.3--PF-4.10 (p. 2-11): Same comments as in PF-3 regarding hamlets. **Please adopt and adhere to the Ahwahnee Principles and the wishes of the public: expand existing development boundaries only as a last resort.** Inefficient development is the root of many of our problems with air, water, and land. We do NOT need, nor given the requirements of AB32, can we afford, ANY more of that. The County should provide for denser, more convenient, clustered, pedestrian and transit friendly development with a good jobs/housing/services/recreation balance.

PF-4.3 (p. 2-11) “Modification of City UABs and UDBs”: Last sentence s/b changed to read: “Expansions for residential . . . *shall be firmly discouraged* . . .” Why promote incompatible land uses? The consequences will be negative. **Recommendation: Do not permit new dairies within UABs nor within one mile beyond UABs.**

PF-4.4 (p. 2-11) “Planning in UDBs”: If the cities have the responsibility for the provision of urban development and services within their UDBs, then **cities should have the full authority for planning within the UDBs.** The County should be compensated via equitable revenue-sharing agreements. If annexation is not feasible or is rejected by the subject city, then development should not occur until annexation is agreed to (cf. PF-1.2).

PF 4.14 (p. 2-12) “Revenue Sharing”: The policy says that the County will “promote” revenue sharing as an element of negotiation under certain circumstances; the **implementation measure (#26, p. 2-19)** says the County “will consider exploration . . . through the formation of a committee” and indicates that this is an ongoing implementation.

Please provide a definite implementation methodology and timeline for getting a workable revenue-sharing agreement finalized. Perhaps some type of mediation or “Model Cities/Model Counties” intervention is needed. Please see Matrix p. 31, comment re PF-1.7. The commonweal suffers while the cities and County fail to resolve this important issue.

PF-4.6 (p. 2-11) “Orderly Expansion of City Boundaries”: **Please make this stronger:** “The County shall *ensure* orderly . . . by supporting *only* those city . . . proposals . . .” Third paragraph: “UDBs *shall not be* expanded . . .”

PF-5.1 (p. 2-12) “New Towns”: Tulare County already has about 40 communities (cities, unincorporated communities, and hamlets); we have no need or desire for more. The next Policy (5.2) says that a new town must be a planned community; a planned community certainly does not have to be a new town.

PF 5.2 (p. 2-12) “Criteria for New Towns”: Please **ADD to this Policy a numbered point stating that a planned community shall not be approved anywhere outside of existing development boundaries (UDBs, HDBs).** All the elements of a planned community can be contained within such boundaries. Permitting development outside of these boundaries during the term of this General Plan; to do so would induce sprawl and would unnecessarily, and to the detriment of the health and safety of the citizenry and their expressed priorities, increase GHG emissions and VMTs and further erode the County’s ability to comply with AB32.

PF-5.2, #5 (p. 2-13) “That the planning program include joint meetings”: This paragraph lists the Fire Chief as a regular participant on the intergovernmental advisory committee. Is this the same as the **CDF Fire Chief, per Matrix p. 72, #8, or should the CDF Chief be listed in addition to the Fire Chief?**

PF-5.2, #12 (p. 2-13) “New towns should not cause”: Please **CHANGE** as follows: **“New development shall not cause any conversion of Prime Farmland”**

PF-7.4 (p.2-14), Implementation #35 (p. 2-20) “The County shall work with TCAG . . . to create a shared planning database....”: Please **provide the missing timeframe information, preferably 2007-2010.**

PF Implementation #29 (p. 2-20): This surprising IM (which seems unrelated to the gist of PF-6.2) states that management of the State and federally owned lands in the County should include “provisions for continued and improved access through and within the County.” **What does this vague measure mean?** Is it implying that there should be more roads through the federally owned lands? **The purpose of the management of these lands is certainly NOT to facilitate access through the County, but is instead to protect irreplaceable resources for the public good and to manage them sustainably.** If “improved access to” means the provision of less-polluting public transit, such as the recently-introduced bus service from Visalia to Sequoia National Park, then we’re all for it.

COMPONENT B – TULARE COUNTY PROSPERITY

B. Prosperity (pp. B-1 and B-2); (see also Matrix, p. 85, #1): To improve its quality of life, attract investment, protect its agricultural economy, and promote self-sustaining communities, Tulare County must vigorously address its water crisis and its air quality. This page recognizes that Land Use principles are an important element in a plan for prosperity, but fails to mention two even more critical areas (air and water). Both Agriculture and Land Use principles and policies are discussed elsewhere, but are still selected for mention on these pages.

Air and water should be mentioned on these pages as well, with the indication that they are further discussed in Chapters 8, 9, and 11.

B. Prosperity, Concept 3 “Land Use” (p. B-1) (see also Matrix, p. 86, #2 at top): Staff response is that permanent agricultural and open space preserves would have to be a **voluntary** action by individual landowners. This implies that the County does not own any land in the valley or foothills and/or that zoning laws prohibit permanent conservation zoning. **Please clarify what the options are to actually limit conversion of agricultural and natural resource lands to urban uses.**

Agriculture Principle 2 “Maintain Separators” (p. B-2): The Matrix (p. 86, #1) states that rural landscape Separators between the County’s towns and cities are **mapped in Figure 7.3-1. We cannot find this figure** in the Goals and Policies Report issued in January, 2008 (nor in the July 2007 GPR). [Emailed RMA regarding this; email from David Bryant, 2/19/08 says the sentence re Figure 7.3-1 s/b deleted, and to see Policy 3.2 on p. 7-4 of the GPU. We believe **such a Figure is still needed; please provide it** (does SL-3.2 on p. 7-4 imply that the separators have not yet been defined?)]

3. ECONOMIC DEVELOPMENT

To a large degree, Tulare County’s economic development is tied to the County’s demographics. GPR page 3-2 (second paragraph) notes that a “quality work force is one key requirement for selecting a site” and that “efforts to create a highly skilled workforce must be made to attract industry into the area to ensure a diversified and vibrant economy.” However, the Background Report does not provide a sufficiently detailed description of the County’s demographics to give the reader an adequate understanding of what this might entail.

INADEQUACY OF BACKGROUND REPORT, SECTION 2.5 “DEMOGRAPHIC CHARACTERISTICS” (BR pp. 2-29 ff):

Tulare County’s economic development is intertwined with its demographics: its residents are its labor force and its consumers. The demographic information in the **Background Report should be revised and expanded to cover more characteristics than simply age, gender, and ethnicity. It should also describe characteristics such as education, skills, income, employment, and health,** which are all indicators of the current and potential economic success of the County. Many of Tulare County’s communities are characterized by high rates of poverty (including the highest rate of child poverty in the State), high rates of unemployment (often the highest in the State), low educational attainment (highest percentage of adults over age 25 without a high school diploma), female-headed households (with by far the highest rate of teen pregnancy in the State), very high percentages of immigrants and of non-English speaking individuals, and poor access to health care. **The Background Report should analyze the relationship between the County’s demographics and its economy, and the GPU should provide specific policies and concrete implementation measures to address these issues.**

ED-2.3 “New Industries” (p. 3-3): New industries, along with all other development, should be located within existing UDBs and HDBs. We need compact development and jobs co-located with population and services.

Please modify this Policy to say that *“New industries shall locate within cities, unincorporated communities, and hamlets where appropriately zoned and where adequate infrastructure capacity is available or can be made available as a condition of approval of the development.”*

ED-2.12 “Intermodal Freight Connections” (p. 3-3): Encouraging the development of freight handling facilities encourages the concentration of toxic diesel exhaust emitting vehicles, highly detrimental to air quality and the health of residents. PM 2.5 particulate matter associated with diesel engine exhaust is a substantial health concern.

Please add related policies and implementation measures to require that, as a minimum, any such facilities must strictly limit idling of diesel vehicles to 10 minutes maximum, prominently post signage to restrict diesel idling and to educate drivers re diesel health impacts, and install on-site electrical connections and to require drivers using the facilities to use these connections to power their heating and air conditioning and refrigeration units instead of operating diesel engines and diesel refrigeration units. Please condition approval of any such development upon implementation and enforcement of these requirements.

ED-3.3 “Non Agricultural Industries” (p. 3-5): Please ensure that the County does NOT “encourage the development and expansion of food crop ethanol production,” because the process of growing food crops and then producing ethanol from them takes more fossil-fuel energy input than is gained in energy output; furthermore, using food crops for ethanol drives up food prices.

Please encourage only “non-food stock based ethanol production.

ED-5.5 “Rivers” (p.3-5): The County’s critically endangered riparian areas are almost our rarest resources, and yet are vital to the quality of life in our County. They can be wonderful tourist attractions, and are even more important to valley citizens, who have few other natural areas close by for refreshment and recreation; our rivers are also absolutely critical wildlife and plant habitat.

This policy should strictly limit recreational activities to only those that are compatible with the protection and preservation of our rare and endangered rivers. Please provide a concrete, measurable implementation measure for this policy. (For example: NO motorized vehicles allowed, and no vehicles at all in the riverbed or near enough to the banks to promote or create erosion or disruption of vegetation.)

ED-5.6 “Lakes” (p. 3-5): With a grand total of two readily accessible lakes of any size in the entire County, the County should, as in the case of its three rivers, make a major and continuing effort to ensure the protection of the recreational quality of these resources, and should pledge its efforts to do so in this policy which urges their exploitation. How does the County mean to promote these lakes (there is no implementation measure)?

ED-5.9 “Bikeways” (p. 3-5): Please clarify this welcome Policy and **provide** it with a concrete, measurable **implementation measure**. Section 12.5 (“Other Transportation Modes,” p. 12-6) includes a number of related policies, also very welcome, also very vague (“coordinate,” “consider incorporating,” “evaluate feasibility,” “identify routes,” “support”) and generally equally vague Implementation Measures (p. 12-10).

Please make these policies clear and enforceable and provide concrete, measurable IMs for them. Where are the County’s current recreational bikeways? How are they marked? How will they be enhanced and promoted?

ED-6, ED-6.1, ED-6.2, and ED-6.3 “Address regional and local commercial needs by . . .” (p. 3-6): Providing access to community centers and regional entertainment venues by means of public transit (and walkways and bikeways where distance allows) is an especially important component of any plans for revitalization and redevelopment and for attractions designed to draw large crowds, particularly given Tulare County’s air quality problems, public health problems, and necessity of complying with AB32. **All these policies should emphasize alternate transit.**

Please make these policies clear and enforceable, and provide concrete, measurable IMs for them and for the related policies under TC 12.4 (“Public Transportation,” p. 12-6) and TC 12.5 (“Other Transportation Modes,” pp. 12-6 and 12-7).

ED 6.6 “Core Area Beautification” (p. 3-6): Please revise to make a primary component of this policy be the **planting of abundant large-canopy trees in these core areas to provide shade and beauty, to cool and clean the air, and to attract pedestrian traffic and customers; extensive tree planting should be included in the Implementation Measure (#10, p. 3-8).** This might also aid the County in attaining compliance with AB32. This Policy is listed as “New,” yet its Implementation Measure is shown as “Ongoing.” **Please revise the IM** to indicate the source of funding for the beautification efforts.

4. AGRICULTURE

Key Terms – “Grazing Land” (p. 4-1): Unlike intensive agricultural lands, extensive agricultural lands (used for grazing) typically do not pollute air and groundwater with toxic chemicals, nor do they produce much in the way of GHG emissions. **In striving to meet AB32 goals and to ameliorate the County’s water emergency, protection and preservation of grazing lands can be a very important strategy.**

Please revise the second sentence to include the fact that rangeland also functions to provide groundwater recharge and, when not severely overgrazed, helps to prevent flood conditions.

AG-1.3 “Williamson Act” (p. 4-3): The County downgraded this policy from **“shall”** promote to **“should”** promote. Given the importance of agriculture to the County, and the importance of the Williamson Act to agriculture, **why was this change made? Please change it back.**

AG-1.4 “Williamson Act in UDBs and HDBs” (p. 4-3): In response to AFT’s concern (Matrix, p. 99, bottom #1 and #2) that agricultural land is being lost to development patterns that are not efficient, smart growth patterns, the County points to Policy PF-2.2 as promoting efficient land use. This Policy, among other circumstances, **provides for modification to a UDB “as part of a subdivision map or specific plan proposal,” or “at the request of a special district or the community,” or if a proposal demonstrates “substantial financial benefits” to countywide operations, or “any other relevant factor considered on a case-by case basis.”** None of these circumstances seems designed to ensure efficient land use.

With all those loopholes, how can PF-2.2 be considered to promote efficient land use? Why couldn’t Williamson Act land in UDBs and HDBs be kept in the Williamson Act for land conservation purposes and used as much-needed recreational space or open space?

AG 1.6 “Conservation Easements” (p. 4-4): Comments on this Policy (Matrix, p. 101) urged the County to adopt mitigation measures for the loss of agricultural land, such as requiring conservation easements and requiring developers to pay into a mitigation fund to be used to purchase development rights for agricultural land of the same classification of the land to be developed. The County responded that impact fees for agricultural land conversion would not be feasible without cooperation from the cities and a countywide approach.

The DEIR states (p. 4-132) that the City of Visalia” has imposed a land based charge on lands being converted from agricultural to urban uses to address the shift of water supply from a conjunctive use basis to that of exclusive groundwater.” Is this an impact fee for agricultural land conversion? Has the County polled the cities on their interest in cooperating in such a policy?

The DEIR states (p. 3-8) that the County will “coordinate regional efforts to preserve farmland within Tulare County” and that “revised Policy AG-1.6 . . . would require the County to utilize a conservation easement program to help preserve agricultural lands.” The revised Policy AG-1.6, which “would be required,” is set forth on page 3-9 of the DEIR.

However, **the Goals and Policy Report (AG-1.6, p. 4-4) DOES NOT REFLECT THIS REVISION.** So, which version are we going with?

AG-1.6 is shown as a “New Policy” in the Goals and Policies Report, yet its Implementation Measures (p. 4-7, #1 and #5) state the County’s efforts are ongoing (that the County “shall take the lead” to work with cities and TCAG to establish a comprehensive agricultural land mitigation program and to establish criteria for the locations for agricultural easements).

How will the County go about establishing this program? An article in the Fresno *Bee* on 07/22/07 titled “Trust seeks to keep farmland free of development” stated that Tulare County’s Sequoia Riverlands Trust includes in its

mission conservation of farmland, and that the Great Valley Center in Modesto has urged the Trust to work on farmland conservation. Is the County working with the Trust on a program to conserve farmland?

Hasn't most of the farmland on the valley floor already been classified (e.g., as Prime, Statewide Importance, etc.), so that the County already knows where the best farmland is? Has the County applied to the State's Resources Agency for funds for farmland mitigation? Is the County considering a developer impact fee for farmland mitigation?

Both IMs (#1 and #5 on p. 4-7) are too vague to be measured or enforceable and should be made more specific and given a deadline for establishment of the mitigation program and the locations for the conservation easements. How can this Policy and its IMs serve as mitigation for the GPU's impacts if the conservation program is not adopted and in place by the time the impacts begin to occur?

AG-1.7 "Preservation of Agricultural Lands" (p. 4-4): Please clarify and strengthen this Policy to "promote" preservation of the County's agricultural economic base and open space resources, and its Implementation Measures (p. 4-7, #1, #6, and #7) so that they are direct and enforceable, with measurable results. "Promoting," "taking the lead," and "monitoring" have not yet provided a functioning, enforceable program to find, fund, and preserve such land through mitigation or other preservation programs.

AG-1.10 "Extension of Infrastructure Into Agricultural Areas" (p. 4-4) and Implementation Measure #8 (p. 4-8): Extending urban infrastructure into areas designated for agriculture is a clear inducement to growth. The County changed its Policy wording from "discourage" to the stronger "oppose," but then requests LAFCO only to "discourage" these infrastructure extensions in the IM, and evidently will not do so until 2010-2015. "Discourage" is not an enforceable rule.

Please strengthen these policies and rules as part of the GPU process.

AG-1.11 "Agricultural Buffers" (p.4-4): Please change from "shall examine the feasibility of" to "*shall ensure the employment of agriculture buffers . . .*" Protective buffers for schools should be specifically included and emphasized in the buffers program.

The buffer program could provide significant benefits to the health and safety of County residents. In addition to helping to "stabilize edge conditions, protect agricultural operations, and moderate untimely conversion of farmland," (IM #9, p. 4-8), buffers could provide open space and recreational areas for walking and bicycling. Planted with native vegetation, they would also provide a bit of habitat, air cooling and cleaning, visual relief, beautification, and an opportunity for exercise away from motorized traffic.

AG 1.12 “Ranchettes” (p. 4-4): This Policy is so vague as to be meaningless, and no IM is listed for it. The Matrix mentions (p. 105, #1) that two plans were developed in the County in the 1970’s for ranchettes in areas that are not built out yet. Where are those areas, what do the plans allow, and what is the areas’ remaining capacity?

The Matrix also refers to LU-3.5 (p. 5-17), which says that the County shall not designate any new rural residential development in the RVL area unless “other objectives, such as buffers” can be achieved. Please clarify and strengthen this weak Policy and provide it with a concrete Implementation Measure. Please define what the “other objectives” would be. Buffers will certainly not solve the problem of sprawl development in the RVL.

Please change this Policy to: “The County shall prohibit the creation of any new Rural Residential Designations (ranchette developments), in order to use its developable land efficiently.”

AG-1.13 b “Agricultural Related Uses” (p. 4-4): Please correct to “The use *shall* not be sited”

AG-1.15A “Schools in Agricultural Zones” (p. 4-5): Please change this Policy to “The County shall *prohibit* the location” Schools should be located within the communities they serve so that their students can safely and conveniently walk and bike to school and readily participate in after-school activities.

Locating new schools in agricultural zones not only exposes students more directly to such as dust and pesticide drift and overspray, but is also growth-inducing, increasing the pressure for further conversion of agricultural land to development.

No IM is shown for this “New” Policy other than #12 (p. 4-8), which is shown as ongoing, and indicates only that the County will indicate to school districts which infrastructure facilities and services require further analysis.

Please provide a stronger Implementation Measure.

AG-1.16 “Agricultural Water Resources” (p. 4-5): Please clarify and strengthen this vague Policy and provide it with at least one concrete IM to enable measurement of its results; requirements for water conservation must be included and implemented; the ACFP must be included. The agricultural industry must play a major role in this protection and enhancement process.

AG-2 “Agricultural Productivity and Employment” (p. 4-5): To “support increased viability of agricultur[al] production,” the County must include under this goal policies that will require its agricultural sector to become more resource efficient, in terms of conserving and reclaiming and reusing water, in terms of energy efficiency (as in AG-2.11), and in terms of reducing negative impacts on air, soil, and water.

For example, AG-2.1 should include a focus on drought-tolerant crops; AG-2.3 should assist higher-value crops only if they are not water-intensive; AG-2.4 should ensure that crop care education includes Best Management

Practices (BMPs) for water-efficient irrigation, for soil conservation, for watershed and riparian area preservation, for minimizing applications and adverse impacts of applications of polluting chemicals, etc.

Increased viability of agriculture must not be supported at the expense of the viability of our natural resources and the health and welfare of our residents. To achieve compliance with AB32, much will have to be done in the agricultural sector. The County should aim its policies toward achieving sustainable agriculture, the only way to achieve its long-term viability benefit to the County.

AG-3 “Support the responsible development and economic viability of animal confinement facilities” (p. 4-6):

Animal confinement facilities significantly impact the County’s air quality, water quality, soil quality, and public health. **The dairy industry is the single largest force in the County’s agricultural economy.**

Why does the GPR give it only one sentence of attention (except for paragraph 5 on GPR p. 1-2 which states, erroneously, that the Animal Confinement Facilities Plan, a voluntary element adopted in 2000, is part of Chapter 8, Environmental Resources Management, Section 4.3; please correct p. 1-2)?

What does Policy AG-3 mean by “support,” “responsible development,” and “economic viability?”

Why are no Policies or Implementation Measures provided to clarify and implement this goal?

The ACFP is referenced in the information box beneath this goal.

The information box should also reference the Draft Supplemental Program Environmental Impact Report for the ACFP, which the County agreed to prepare in June, 2001, to settle CEQA litigation on the ACFP, and which is to “include a reasonable analysis and discussion of cumulative air quality impacts, groundwater quality impacts, and air quality impact mitigation measures” for the ACFP.

INADEQUATE BACKGROUND REPORT AND DEIR EXISTING CONDITIONS AND BASELINE INFORMATION:

The **Background Report (BR)** discusses Dairy Production on pp. 4-18 – 4-21, stating that in 2003 the County had 303 dairies and 358,000 dairy cows, with, as of 2004, 23 new dairies and 47 dairy expansions awaiting permit approval.

The BR information should be updated.

(As of July, 2007, the County was reporting **812,249 head, with 8,203,563,554 dairy wastewater gallons applied to cropland, and 1,233,320 tons of manure recycled and/or hauled offsite**, with the proviso that “the data is only as accurate as the information provided by the dairymen.”)

The BR mentions dairy issues that the 1992 Agricultural Advisory Committee addressed, including **lack of tracking of solid waste disposal; increasing herd sizes without obtaining a special use permit; and the fact that the County’s animal density standards in its 1974 Animal Waste Management Element were more permissive than the Regional Water Quality Control Board’s requirements.** It states that in 2000, Phase I of the Animal Confinement Facilities Plan was prepared, along with a program EIR that raised issues including **degradation of**

surface water, groundwater and air quality; land use conflicts; potential health hazards; and loss of natural habitat.

The **Background Report**, which is supposed to provide “a detailed description of conditions in the planning area in 2005” provides no further information regarding these substantial impacts, merely mentioning that the County is currently preparing a Supplemental Program EIR to further examine cumulative air and water quality issues, and that Phase II of the ACFP will address animal confinement facilities for other types of animals. Figure 4-2 “Existing Dairy Production” (dated 2000), BR p. 4-19, shows concentrations of dairies from the north end to the south end of the County’s valley floor, but does not state the number of dairies, nor their acreage, nor their herd size.

The **DEIR** provides almost no baseline information at all on Animal Confinement Facilities (e.g., dairies and feedlots). It provides Table 4-2 “Tulare County Onroad Vehicle and Dairy/Feedlot Operational Emissions” (DEIR p. 4-50), but provides no context to allow the reader to understand their magnitude or the significance of these emissions. It provides no information on ACFs’ impacts to water and soil. It does not discuss the impacts to the public’s health or the County’s ability to comply with AB32.

DEIR page 4-67 states that the County “will develop” a **GHG Emissions Reduction Plan** that identifies GHG emissions within the County and ways to reduce them, and that this plan will inventory the sources of GHG in the County and set targets for reduction of emissions attributable to the County’s discretionary land use decisions and internal operations. But **WHEN** will the County develop this **GHG Plan**? Wouldn’t this DEIR have been the place to start creating the baseline inventory? Isn’t the County already aware of its major sources of GHG emissions? And isn’t this GPU the appropriate vehicle for starting to address the reduction of their emissions?

The DEIR should discuss the following, to provide a useful baseline:

The DSPEIR appears to have been circulated in October, 2006, but then what happened? Some of its proposed measures are included in the GPU DEIR (pp. 4-52 ff), but not all of them, in the Air Quality and Global Climate Change section. **Why were seven of the proposed measures omitted? Where are the dairies’ impacts on groundwater discussed? What about their impacts on soil? Has the County studied and assessed the adverse impacts of dairy operations in the Chino Basin of California?** In the Chino Basin, dairies are being connected to the Orange County Sanitation District’s Regional Interceptor line in order to divert tons of biochemical oxygen demand, suspended solids, and dissolved solids from degrading the water quality of the underlying aquifer and the Santa Ana River. How much would a similar project cost Tulare County, to protect its aquifers from potentially devastating spills of manure-laden dairy waters?

Is there evidence that the measures being proposed in the ACFP and its DSPEIR will keep Tulare County from incurring the same environmental degradation and huge infrastructure costs that have plagued the Chino Basin area (which has far fewer milk cows than Tulare County)? Is there evidence that these measures have been successful elsewhere, and, if so, to what degree? The DEIR should discuss mitigation measures such as the

installation of methane digesters, the installation of solar systems or wind generators, and the incorporation of green building principles into the design and construction of ACFs to offset impacts.

What are the policies and implementation measures that are allowing Tulare County to permit huge increases in the numbers of dairy cows, with the total projected to exceed 1,100,000 in the near future?

Why is Tulare County projected to have well over twice as many dairy cows as any other county in the San Joaquin Valley, despite the adverse impacts to air and water quality caused by dairy operations? Of the 8 counties in the SJVAB, Tulare County accounts for more than 30% of the total dairy AUs and more than 16% of total feedlot cattle (DSPEIR, p. 3-53).

Why does Tulare County have only one inspector for its hundreds of dairies, so that they are inspected at most only once every five years?

ANIMAL CONFINEMENT FACILITY AIR QUALITY IMPACTS:

The following information, as a minimum, should be presented and discussed in the GPU documents (BR, DEIR, and GPR, as appropriate) to provide the public and decision-makers with fact necessary to an understanding of this significantly impactful sector of the County's agricultural industry.

The SJVAB has been designated as nonattainment for the federal PM 2.5 standard and serious nonattainment for the 8-hour federal ozone standard. **Cumulative dairy emissions within the SJVAB will increase by 23%; a "substantial portion of the cumulative increase is because of the increased number of dairies in Tulare County" (DSPEIR p. 3-53).**

Tulare County is classified extreme non-attainment for ozone and severe non-attainment for federal PM10 and non-attainment with federal PM2.5 (the deadliest particles). Major contributing sources of PM10 emissions are (1) entrained roadway dust and (2) farming operations. **Dairies are major contributors in the roadway dust area and the farming operations area.**

The ACFP/FPEIR (p.69) describes how 80,000 pound dairy milk tankers traveling on minor roads inadequate to the weight and frequent trips of these vehicles are degrading and destroying the County's rural roads at an accelerated rate. (See also BR p. 5-48 ff.) Since the County doesn't have the money to re-engineer and rebuild and maintain the roads for this type of traffic, the County will abandon the roads and no longer maintain them, so that they will go back to dirt, and rely on the dairies to keep down the mud and dust on the abandoned roads. How will this enable Tulare County to meet air quality goals?

"Dust (PM10), NOx and ROG emissions from any dairy project site would contribute to criteria pollutant emissions generated throughout the SJVAB. . . . "An increase in greenhouse gases, including methane, in the atmosphere is an international environmental issue" (DSPEIR p. 3-54). How will adding 165,000 cows (above our 836,000 current dairy cows) help Tulare County to meet GHG goals?

"Ammonia (NH3) is a strong alkali that is a severe eye, ear, and throat irritant. Ammonia reacts with nitrates and sulfates in the air to form ammonium nitrate that is a particulate less than or equal to 2.5 microns. It is a precursor of PM-2.5" (ACFP/FPEIR, p. 75). About 90% of ammonia emissions come from animal husbandry, with cattle and

calves accounting for about 43%; there are additional ammonia emissions after the spreading of manure” (ACFP/FPEIR, p. 76). PM-2.5 is the deadliest of particulates. **How will this hugely increasing dairy industry impact the health of Tulare County residents?**

“Each new dairy or other animal confinement facility that is constructed in the county would contribute on an incremental basis to the generation of PM-10, ammonia (a precursor to PM-10), and ROG (a precursor to ozone). Because the San Joaquin Valley is designated as “non-attainment” for both PM-10 and ozone, any increase in emissions would further the non-attainment status” (*Ibid*). **How will these constantly increasing impacts to our air quality affect visibility and our tourist industry?** “Emissions of fugitive dust and gaseous air pollutants from dairy operations and non-dairy cattle feedlots are recognized to contribute a significant fraction of the total air pollutant emissions within the SJVAB” (SPDEIR, p. D-1).

“Dairy-related emissions within Tulare County are predicted to increase by roughly 38% in the future compared to existing [2004] rates” (SPDEIR, p. D-5), and this is based just on proposed future dairies and dairy expansions at that time.

ANIMAL CONFINEMENT FACILITY WATER QUALITY IMPACTS:

The following information, as a minimum, should be presented and discussed in the GPR (in the Agriculture Element, under AG-3, or in the Water Resources Element, perhaps under WR-2.7), and in the GPU DEIR, which presently seems to deal only with domestic water and wastewater systems, like the Background Report).

When 51 wells were sampled at ACFs throughout Tulare County in 2001 and 2002, per the DSPEIR, sodium violated the human toxicity threshold in approximately 88% of the samples, the taste and odor threshold was violated in approximately 77% of the samples, nitrate levels exceed the California Primary Maximum Contaminant Level and California Public Health Goal for Drinking Water in 35% of the samples (and the sample wells do not represent the highest nitrate concentrations in Tulare County; when nitrate concentrations for the 51 wells plus Central Valley RWQCB monitoring wells were combined and averaged the average nitrate concentration for approximately *half* of the wells in both sets of data exceeded the EPA primary MCL, per DSPEIR, p. F-6), total coliform was detected in 19.6% of the samples (and fecal coliform in one; the state has a health goal of zero total coliform because the presence of any coliform in drinking water causes a health risk), and the TDS (total dissolved solids) threshold was exceeded in about 12% of the samples (DSPEIR, p. 3-56).

Wells upgradient of dairies have the lowest nitrate concentrations, while wells downgradient have the highest concentrations (DSPEIR, p. 3-57). The highest concentrations were generally found in wells located downgradient of croplands (DSPEIR, p. F-8). **Animal waste contains high levels of nitrogen compounds; nitrate is the most common form of nitrogen associated with runoff or seepage from dairies to groundwater, and it was detected at somewhat elevated concentrations in the dairies from which groundwater samples were taken.** Nitrate can cause health problems to infants, children, and other groups.

Drinking well water containing total nitrogen exceeding the MCL value (35% of the sampled wells exceeded the MCL value for nitrates) can lead to methemoglobinemia ("blue baby syndrome"; hemoglobin is converted to the methemoglobin form in the circulatory system, which reduces the oxygen-distributing capacity of blood throughout the body) in infants, children, and sensitive individuals, and nitrate can form nitrosamine, a suspected human carcinogen; EPA also notes birth-defect potential. Nitrate is highly soluble in water and can often percolate freely through soil and into groundwater. Ammonia is often absorbed to soils and incorporated into soil complexes. Coliform and fecal coliform indicate bacterial contamination from waste from warm-blooded animals. Pathogens such as E. coli, hepatitis, and salmonella can cause very severe effects for all, but pose the greatest risk to infants, children, the elderly, and the ill. Salinity (measured as TDS or sodium, and exceeded in about 12% of the 51 wells sampled) poses a health risk to those on restricted-sodium diets, and is also detrimental to agriculture; it also violates drinking water thresholds associated with tastes and odors.

Tulare County is facing a water crisis. The County's burgeoning dairy industry has adverse impacts on the County's water quality and also uses tremendous amounts of water (at about 100 gallons per head per day times a projected dairy total of over a million head, that's a lot of water). What would be the effects on water quality of a major flood event in our ever-growing dairy area?

The GPR must include specific policies and concrete, measurable implementation measures to address these substantial impacts. The fact that the County inspects only about 1/5 of the dairies annually (and thus inspects a typical dairy only once every 5 years) bodes ill for timely monitoring and enforcement of policies and implementation measures, especially since the dairies have had a history of increasing their number of animals beyond their permitted limits. The GPU should address this weakness by increasing the frequency of inspections.

Additionally, the GPU should include one or more policies with implementation measures and funding sources identified to carry out the Data Needs Assessment and Recommendations in the DSPEIR on pp. F-12 and F-13. These could be included in the Agriculture Element or in the Water Resources Element under WR-1.2 Groundwater Monitoring (GPR p. 11-3) (Implementation Measure #4 or #5 on GPR p. 11-7 might be a good spot). These recommendations include (1) comparing data from the U.S. Geological Survey National Water Information System database (@ 763 wells) and the California Department of Health Services database (@ 1479 public water supply wells) to provide a relationship between nitrate concentrations and well depth and help to define relationships between nitrate concentrations and the geochemical environment and sources, with time trends defined and nitrate inputs to groundwater defined over time, etc.; (2) looking at two GIS groundwater layers for depth-to-surface groundwater level and permeability or soil type to characterize permeability to groundwater, indicating which areas constitute risk if near a dairy and groundwater nitrate concentrations were elevated; (3) identifying areas more susceptible to groundwater contamination and incorporating them into ArcView /GIS/ArcInfo GRID to

categorize susceptibility to contamination and identify potential hotspots; (4) allow for a cumulative risk assessment for nitrates and other pollutants; (5) evaluation of regional, county, state, and RWQCB regulations and EPA guidance on dairy discharge to groundwater to determine the best way to mitigate dairy discharges; (6) collection of demographic data relating to drinking behaviors of Tulare County residents to quantify exposures to nitrates or other chemical pollutants.

It has been almost six and half years since the County entered into the settlement agreement requiring the County to prepare, circulate for public review, and certify the completion of a SPEIR to the PEIR for the ACFP-Phase I. **The County agreed to carry out these actions within nine months (or sooner) from the effective date of the agreement**, which was executed in June, 2001 (with the proviso that the time limit could be extended “as is reasonably necessary”). **How is six and a half years reasonable, given a commitment of nine months? In these six and a half years, how many more thousands of dairy cows have been added to the Tulare County dairy herds, with each cow producing daily 30 times the bodily waste that a human does?**

When the Water Board’s own test data show that 63% of sampled valley dairies have at least one nitrate-polluted well, when 40% of sampled household wells in Tulare County contained unsafe amounts of nitrate, when more than 20% of the County’s State-regulated public water systems failed the nitrate test, when students can’t drink the water at their schools and residents have to buy bottled water for drinking (article in *Sacramento Bee*, 02/16/08, “suit pins bad water in Tulare on dairies”), **Tulare County must address this growing problem with determination and dispatch. This General Plan Update process is the time and the place to do so.**

The DEIR must thoroughly describe these impacts, direct and indirect, current and cumulative, and provide adequate mitigation measures for them. It is “vitaly important that an EIR avoid minimizing the cumulative impact. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them” (*Kings County Farm Bureau v. City of Hanford*, 1990).

Please revise the GPU documents to adequately inform the public and decision-makers about ACFs and their increasing impacts, and to provide strong, clear, enforceable policies and implementation measures that will demonstrably mitigate these impacts and protect the County’s air, water, and soil, and the health and safety of its citizens. (Please also see discussion of proposed policies AQ-4.6, 4.7, 4.8, and 4.9 under the Air Quality Element.)

Implementation #3 “County shall maintain comprehensive database of ag preserves” (p. 4-7): This measure does not promote the long-term preservation of productive and potentially-productive agricultural lands. **This IM should include a mitigation measure with a ratio of at least 1:1 or better for the conversion of such preserves**

to urban development, preferably one that ensures that the protected lands are located within the County and are part of an established mitigation banking program.

Implementation Measures for AG-1.6: Please see comments on AG-1.6 above for comments on the IMs also. **Matrix, p. 113, #4:** Staff indicates that the plan provides a greater range of options for farm use, in response to the comment by the Avila family. **It should be noted that the Land Conservation Act allows for land within an Agricultural Preserve or Farmland Security Zone to also be dedicated to open space uses, such as scenic corridor, wildlife habitat, or recreational use.**

IM #12, p. 4-8: Please see comments above on AG-1.15A and this IM.

5. LAND USE

“Land Use Diagram and Standards” (p. 5-3, top): Please explain where the Tulare County Land Use Diagram can be found. We cannot find it in the GPR. The revised draft of the GPR issued 7/31/07 stated on p. 5-5 that “Figure 5-1 Land Use Diagram” was “To be Inserted.” No diagram appeared in that version of the GPR. In the draft version of the GPR issued in January, 2008, we find as Figure 5.1, not “Tulare County Land Use Diagram,” but instead “Tulare County Planning Areas.” **As the GPR text continually refers to the County’s Land Use Diagram, please include the Land Use Diagram in the GPR. Please provide sufficient detail in it (as indicated in comments directly below on the current Figure 5.1) to enable the reader to understand where these Land Use Designations occur. It would be helpful to see where these designations are currently located (as a baseline) and where they would be located at build-out of the proposed project (GP), so please provide two maps (baseline and build-out) if possible. Please include the two Land Use Diagram maps (baseline and build-out) in detail for each of the County’s Planning Areas, as depicted in Figure 5.1. It would be helpful to place them with the discussion of their Planning Areas (e.g., place the maps for Foothill Planning Area – the FGMP in Part II, Chapter 3, Foothill Growth Management Plan, perhaps immediately following the current Figure 3.1 on p. 3-5).**

INADEQUACY AND INCONSISTENCY OF TEXT AND TABLES IN RELATED BACKGROUND REPORT INFORMATION:

The Background Report section on Land Use and Population contains text and tables related to Land Use Designations and population growth, but the information is inconsistent, incomplete, and confusing.

Please revise this section of the BR to make it clear and consistent and provide maps to make clear the baseline situation and what is proposed under the GPU build-out.

For example, **Table 3-6 “Summary of Community Plans, Tulare County 2004,”** BR p. 3-24, shows for each of the eleven community plan areas “Total Plan Area (Acres),” “Vacant Land (Acres),” and “Projected Planning Period Land Need (Acres).”

Please explain: What is the Projected Planning Period Land Need? Is it the amount of land needed by the time horizon of the GPU build-out? Is it the same year for all of the communities listed, or is it some year defined in their individual plans?

If the Projected Planning Period Land Need Acres are less than the Vacant Land Acres, does that mean that all the land needed throughout the Planning Period is already available in the vacant acres?

Why are Springville and Richgrove NA? If more land is needed than the vacant land indicated, then what?

What is meant by Existing Plan Population? The figures do not match any of those in Table 2-26 “Tulare County Population Projection, 200-2025,” (BR p. 2-42).

What year is meant by the Projected Population (Target Year) column? Is this the same year for each of the communities? **These figures, likewise, do not match** any of those on Table 2-26.

Additionally, when one looks at the **figures for population and for acreage in the text** for each community (BR pp. 3-25 - 3-38), **these figures do not match the figures in the Tables.**

How are the population projections related to the communities' ability to provide for projected population (e.g., do they have, or do they have a reasonable certainty of being able to provide, the necessary water supplies, sewer capacity, and other infrastructure, jobs, and other services required to accommodate the projected population?

The Background Report states on p. 3-55 that the General Plan land use designations and the development standards of the zoning ordinance determine the holding capacity and buildout potential of the county. **But don't the County's essential resources, such as water supply, soil and geographical conditions, and air quality, have a great deal to do with determining the holding capacity and buildout potential also?**

Where in the GPU documents is this connection spelled out and examined? Only Appendix C of the Background Report begins to get into this fundamental relationship, when it states (p. C-27) that water supply considerations could “completely undermine the existing basis for Tulare County population, allocations, and disposal.”

The GPU documents must address these basic factors when designating land uses and allocating population growth.

In a similar vein, the DEIR really seems to have it backwards when it states (2-8) that the GPU is a policy plan that “relies on individual policies to direct growth to preferred locations in response to market forces.” **Shouldn't the GPU be a plan that relies on a clear vision of its priorities for the County's future to determine policies that direct growth to preferred locations so that market forces will know where they can build houses, stores, office space, manufacturing plants, etc.? Please explain:** Why would the County abdicate its planning role to the

quick-buck, short-term whims of market forces? How could that be in the best interest of a healthy, sustainable future?

Figure 5.1 “Tulare County Planning Areas” (p. 5-4): Please include names of all hamlets on this map, along with identified roads and other indicators to enable the reader to understand where these Planning Areas are (the current hamlet designations are difficult to see in both the black and white and the color versions). **Please also label** the large Planning Areas (e.g., Kennedy Meadows Plan, Great Western Divide North Half Plan, etc.) with their names so that they can be identified in the hard copy documents, which are in black and white only. This would be helpful even when one prints out the Figure in color because the colors in the very small blocks on the Legend are hard to match to the color blocks on the map. **Please also include the acreage** of each of the Planning Areas. **Are the Land Use Designations for “Other Unincorporated” the ones that would be allowed in all the Development Corridors,** and also in the Plan areas in the mountains and foothills and the Kings River Plan area?

Table 5.1 “Land Use Designations” (p. 5-5 ff): Please explain: Why is the Resource Conservation land use designation allowed for communities and other unincorporated areas, but not for hamlets? Why is the Urban Reserve designation allowed for city UDBs and communities, but not for hamlets? Why are no Residential Designations (Low-Density Residential, Low-Medium-Density, Medium-Density, Medium-High-Density, and High-Density) allowed in hamlets, and no Commercial Land Use Designations? Why are Highway Commercial, Service Commercial, and Recreation Commercial allowed in cities, communities, and unincorporated areas, but not in hamlets? Why is Light Industrial allowed in communities and hamlets, but not in cities or unincorporated areas (while Heavy Industrial is allowed in all areas)? How do these designations (or non-designations) impact hamlets’ opportunities for development?

Key Terms

Rural Residential (RR) (p. 5-9): This designation seems to define ranchettes, an extremely inefficient use of land that should be strictly minimized. The last sentence of this definition implies that the RR is primarily located at the edges of UDBs. **Please clarify:** Is this inside the edges or outside of the UDBs? All new development should be directed to occur within our existing UDBs and HDBs.

Highway Commercial (HC) (p. 5-10): This key term is defined with a statement that HC is located “primarily within UDBs and pursuant to regional growth corridor plans and policies.” To limit unnecessary VMTs, promote less-polluted air, maintain urban edges, limit development of agricultural and open space lands, benefit the health of the County’s residents, promote the people’s stated priorities, promote investment and reinvestment in existing communities, and take steps to comply with AB32, the GPU must focus new development, including growth corridors or big box retail, in areas where development already exists.

Please change the last sentence of this Key Term definition to: “This designation is located within UDBs and HDBs.”

Mixed Use (MU) (p. 5-11): To ensure a high quality, well balanced, efficient development that will protect and enhance the character of the area, **please modify the last two sentences in this Key Term definition as follows: “Specific plans *shall* be required to assist in the consideration This designation is found within UDBs and HDBs.”** Please see HC comments above for rationale on eliminating regional growth corridor plans.

Foothill Mixed Use (FMU) (p. 5-11): Please see comments in FGMP Section below. This does not comply with the FGMP.

Planned Community Area (PCA) (p. 5-12): Please explain here the difference between a PCA and a Planned Community Zone. Why does master planning for a planned community have to occur only where a community plan does not exist? This implies that planned communities could occur only outside of existing UDBs and HDBs. **PCAs should be designated only within UDBs and HDBs** in order to promote an exceptional quality of life for the residents of this County and to reduce increases in VMTs and promote compliance with AB32, etc.

Light Industrial (LI) (p. 5-12): Please change the last sentence of this definition to eliminate the regional growth corridors: **“This designation is found within UDBs and HDBs.”**

Heavy Industrial (HI) (p. 5-12): Same as above comments. HI designation should include requirement of buffers, with lots of trees to help mitigate noise, odor, and visual impacts.

Public/Quasi-Public (P/QP) (p. 5-12): Churches, schools, civic centers, hospitals, fire stations, sheriff stations, and other P/QP services/facilities that are used daily by large numbers of people should be constructed where the large numbers of people already are, **NOT** out in a regional growth corridor. PLEASE walk the talk: direct growth to existing communities, discourage sprawl, encourage infill, preserve open space, per LU-1.1.

LU-1 (p. 5-12) states that the County will “encourage . . . highly efficient land use.” **This level of commitment, clarity, specificity, and determination seems highly unlikely to produce the level of resource-efficient development that the County needs to achieve comprehensively in the very near future.**

LU-1.1 Smart Growth and Healthy Communities (p. 5-12): This policy includes a good list of principles, but it **must be clarified and strengthened** beyond “promote” to truly put them into practice. **Please revise this policy accordingly.**

The IMs corresponding to this Policy (#2, #3, #4 on p. 5-22) must be made concrete, direct, and enforceable so as to provide measurable certainty of achievement.

IM #2 says that the County shall prepare Land Development Regulations addressing a number of areas applicable to land development. Does the County not presently have such regulations regarding land development? If such regulations exist, what is the purpose of this IM? How, specifically, will it ensure smart growth and healthy communities?

IM #3 says that the County shall “consider” appropriate incentives to encourage smart growth. What would these “appropriate” incentives be? Are they already being utilized? The incentives should be tiered to urge developers to achieve maximum adherence to responsible growth principles and practices in their projects; development proposals that do not reflect a serious good faith effort to achieve these goals should be rejected.

IM #4 says that its implementation is ongoing, which indicates that the County has been ensuring that smart growth principles are incorporated as conditions of project approval, “as appropriate.” Where are the results of this “ongoing” implementation of smart growth development that can be visited in Tulare County? How can the public track the County’s progress in implementing responsible growth policies and principles? What, specifically are these principles that are being implemented and what determines “appropriate?”

LU-1.2 “Innovative Development” (p. 5-13): Please clarify and strengthen this vague Policy and provide it with a concrete Implementation Measure.

LU-1.4 “Compact Development” (p. 5-13): This policy that could play a major role in helping the County to comply with AB32 and the people’s priorities, but “actively support” is too vague to be meaningful, and the corresponding IM, #3 on p. 5-22, says only that the County shall “consider” incentives to encourage smart growth. Please make the Policy and its IM clear, concrete, and enforceable.

LU-1.8 “Encourage Infill Development” (p. 5-13): This important Policy is basically gutted by its chief Implementation Measure (#6, p. 5-22), which calls for the County sometime between 2010 and 2015 to develop criteria to determine whether projects are infill and to develop incentive programs for infill. Many jurisdictions already have developed and implemented working programs to mandate and incentivize smart, resource-efficient, healthy infill development. This Policy and its IMs must be strengthened, clarified, and prioritized. Efficient infill development is, of course, also one of the best ways to help preserve agricultural land, as pointed out in the Background Report (p. 11-16): “The need to expand urbanized uses onto farmland can be reduced by developing and redeveloping land in the core areas of communities. For every 100 acres of urban land developed with a mix of single family homes, townhouses, and apartments (assuming an average density of 20 units per acre), 500 acres of farmland can be saved at the edges (assuming a typical density of 4 units per acre (suburban character).”

IM #8 (p. 5-22) (for LU-1.8) is “ongoing” in terms of the GIS database, and totally vague on “encourage” new development to occur on identified sites. If this IM is ongoing, does it mean that the County is already encouraging infill development? If so, how, and with what results?

IM #9 (p. 5-22): Doesn't the County already require access to public roads as a pre-requirement for development? When would the program to consolidate infill sites be implemented?

IM #10 (p. 5-22) is a good idea except that community plan updates and the creation of hamlet plans take many years, and most of them are not even scheduled. What about infill development in these areas in the meantime? Why shouldn't these inventories be made on a fixed schedule of their own, before more inefficient growth is allowed? Haven't many communities and hamlets already identified their infill sites, as the City of Visalia has?

LU-1.10 “Specific Plans” (pp. 5-13—5-15): **The Ahwahnee Principles (or better) should be incorporated in all specific plans or equivalent plans. The Development Standards (p. 5-14) should include the requirement to meet at least LEED-Silver or higher standards for all construction.** Plan approvals and developer impact fees should be tiered in terms of the plan's realization and implementation of these principles and standards.

LU-2.1 “Agricultural Lands” (p. 5-15): This is a fine-sounding Policy directing development away from ag lands to developed areas where public facilities and infrastructure are available is eviscerated by the **General Plan Update's** emphasized and expanded sections on **New Towns and new Growth Corridors.** Policy **LU-2.1** should make itself “self-implementing” by prohibiting the development of **New Towns and new Growth Corridors** and restricting new development during the life of this Plan to within the existing **UDBs and HDBs,** which are more than adequate to accommodate it; it is certainly not self-implementing as written.

p. 5-15, LU-2.3: The former LU-2.3 was moved to ERM. However, on **p. 5-15,** there is no indication of why there is no LU-2.3, so it appears that a policy is missing. The remaining policies s/b renumbered, or a note s/b inserted regarding 2.3.

LU-2.4 “Open Space Character” (p. 5-15): Why does the Policy specifically mention the scenic open space character of rangelands only? Does the Policy not intend to maintain the scenic open space character of *any* open space areas (which could be riparian, orchards, vineyards, foothills, etc.)? Furthermore, **new development should be required to utilize natural landforms and vegetation not only in a manner that is least visually disruptive, but also to preserve natural drainage characteristics and capabilities, in order to minimize flooding and enable natural groundwater recharge** (which cleans the water as it is absorbed by the plants and soil). **Hilltop and ridgeline development should be prohibited,** as it mars the viewshed from every direction and from long distances. **Please reword this Policy accordingly.**

LU-2.6 “Agricultural Support Facilities” (p. 5-16), Implementation Measure #16 (p. 5-23): This Policy allows agricultural support facilities to be turned into new businesses, including non-agricultural uses, to provide employment.

Please change this Policy and its Implementation Measure as follows: These facilities should be allowed to be converted to non-agricultural uses ONLY if they are located contiguously to non-agricultural development; non-agricultural jobs should be located where potential employees and customers live, NOT amidst agricultural areas, which will cause unnecessary traffic in these areas, and promote unnecessary VMTs.

LU-2.7 “Timing of Conversion From Urban Reserve” (p. 5-16): A criterion requiring that urban services, schools, and infrastructure CAN be made available seems useless, in that, presumably, such facilities and services always COULD become available. The issue is whether they ARE available or WILL become available, meaning that they are already proposed and funded for development. Please revise this Policy accordingly.

LU-3.1 “Residential Developments” (p. 5-16): This Policy is laudable in concept, but far too vague (how will the County “encourage?”) and has no Implementation Measure. The County should require all new residential development to locate near existing infrastructure, which it can do by requiring all major new development of any kind to occur within existing UDBs and HDBs, and to adhere to the Ahwahnee Principles (or better). **Please change this Policy accordingly and provide it with a concrete Implementation Measure** to ensure cost-efficient and resource-efficient development.

LU-3.2 “Cluster Development” (p.5-16) and Implementation Measure #19 (p. 5-24): On page 141 of the Matrix, it is stated that this Policy applies only to the few remaining undeveloped RR properties in the County; **this Policy should be revised to so state, or it will continue to cause confusion.** On the other hand, why should cluster development be applicable on only those parcels? The **Implementation Measure** for preparation of a cluster development ordinance is listed as Ongoing, with the contents to be developed “later.” Compact cluster development can be a significant means of resource-efficient development that can protect natural resource lands and open space. When will this ordinance be ready for adoption? With no timeline, **this IM is not measurable. Please make it concrete and measurable.**

LU-3.3 “High-Density Residential Locations” (p. 5-16): Matrix p. 142, #2, response states that new Implementation Measures will be added for this Policy, with incentives for affordable housing, but no IMs are listed for Policy 3.3. **Please make this Policy more specific (how will the County “encourage?”), and provide it with the promised IMs.**

LU-3.5 “Rural Residential Designations” (p. 5-17): Please amend this Policy to state that **no new rural residential development areas will be designated in the RVLV area or the FGMP area (because RR**

development – basically ranchettes – is resource-inefficient and slices up habitat and open space).. Buffers can be much better provided via easements or other measures funded by developer impact fees or other sources. If permanently populated (as with RR development), buffers are no longer buffers, and will continue to create ag/urban conflict. Instead, buffers should be open space used only transiently for recreation (e.g., walking, biking, jogging, bird-watching), and should be well-vegetated with native plants to provide sound buffering, visual buffering, groundwater recharge, habitat, etc. Wherever possible, buffers should preserve natural boundaries such as riparian areas and swales that will also provide natural flood control and groundwater recharge.

LU-3.6 “Project Design” (p. 5-17): Please include outdoor lighting in the Project Design Policy; the lighting should be shielded to prevent light trespass and preserve Dark Skies. Please cite the location of the project design requirement details (is this set forth in the Housing Element, in an Ordinance, or . . .?).

LU-3.8 “Rural Residential Interface” (p. 5-17): Please clarify this vague Policy: by what means will the County “minimize” these potential land use conflicts?

LU-4.1 “Neighborhood Commercial Uses” (p. 5-17): This welcome policy could serve to reduce VMTs and promote community centers and gathering places. **Please clarify how the County will “encourage” this development and provide it with a concrete Implementation Measure.**

LU-4.2 “Big Box Development” (p. 5-17): As part of this Policy, the County should also limit the footprint of “big box” facilities’ parking lots, such as by requiring multi-level structures instead of acres of asphalt. The multi-level structures would shade and cool the parked cars and would not contribute so much to the heat island effect as gigantic unshaded parking lots, which also have adverse visual impacts.

Please require large parking lots which are all one level (on the ground) include extensive planting and maintenance of large-canopy trees, landscaped pathways (for safety, beautification, and shade), and extensive use of permeable paving to reduce negative groundwater impacts. These configurations also attract shoppers.

LU-5.1” Industrial Developments” (p. 5-18): Please add “The County shall focus on attracting clean, sustainable, energy- and water-efficient industrial development.” It is critical that we do not attract industrial development that will worsen our air quality and our water emergency. **Please clarify this Policy** by stating how the County will “encourage” these developments.

LU-5.2 “Industrial Park Developments” (p. 5-18): Please add that these developments shall adhere to the Ahwahnee Principles (or better) and LEED silver (or better) standards. **Landscaping** must be xerigraphic (using native plants as much as possible), mulched, and drip irrigated with recycled water. These developments must also provide for and encourage alternate transit (e.g., sheltered bus stops, secure bike parking), must be as **energy- and**

water-efficient as possible; permeable paving should be required wherever feasible. **Please clarify** how the County will “encourage” these developments.

LU-5.5 “Access” (p. 5-18): The County should require that all industrial development be located so that it can be readily served by public transit and should require developers to include facilities to accommodate and encourage transit (e.g., shaded, sheltered bus stops and secure, sheltered bike storage areas).

LU-6.1 “Public Activity Centers” (p. 5-19): These centrally-located public activity centers are an excellent concept; please state how the County will “encourage” their development (there is **no Implementation Measure**).

Please require these centers to be built in accordance with the Ahwahnee Principles (or better) and to **LEED-Silver (or better) standards** to serve as models and inspiration for future development in their communities, and make them less expensive to maintain.

Please require that these key activities be clustered in a central location and be readily accessible via transit and active transit in order to reduce VMTs.

LU-6.2 “Buffers” (p. 5-19): Please add that, for efficient land use, and to encourage alternate transit, buffers, whenever possible, should be designed to serve multiple beneficial purposes: they should provide open space that can be used for recreation (e.g., walking, biking, jogging), and as transit alternatives; they should be well-vegetated with native plants to provide sound buffering, visual buffering, groundwater recharge, air cleaning, habitat, etc.; wherever possible, buffers should preserve natural boundaries such as riparian areas and swales that will also provide natural flood control and groundwater recharge. Buffers should be corridors of natural beauty and abundance, giving wildlife and native plants a chance in a paved-over world, and providing relief and regeneration to people, too. Any paving in buffer areas should be permeable whenever feasible.

LU-6.3 “Schools in Neighborhoods” (p. 5-19): For the health of our air and the health of our children, **please make this mandatory** if it is in any way possible.

LU-7.1 “Distinctive Neighborhoods” (p. 5-19): Please clarify this wonderful policy by stating how the County will “encourage” such development, and provide it with a concrete **Implementation Measure**. Please implement strong, clear, tiered incentive and impact fee schedules to help make this happen.

LU-7.3 “Friendly Streets” (p. 5-19): Please add to this welcome Policy a bullet: new streets to be constructed in a traditional grid pattern, without cul de sacs, to facilitate walking, bicycling, and transit access, and to reduce VMTs, which would not only facilitate healthier communities, but could contribute to compliance with AB32. **Please clarify** how the County will “encourage” compliance with this Policy, and provide it with a concrete, enforceable **Implementation Measure**.

LU-7.6 “Screening” (p. 5-19): Please add that the landscaping must be xerigraphic, native plants whenever possible, mulched, drip-irrigated, and irrigated with recycled water. It must also include large-canopy trees to maximize shading, cooling, and air-cleaning capability.

LU-7.7 “Parking Location” (p. 5-19): Please add that parking areas shall be required to be well-shaded with either shade structures roofed with solar panels or with large-canopy trees (preferably native species), or both, and that parking areas must maximize permeable hardscape surfaces to facilitate effective groundwater recharge; paving of parking areas must be light-colored to minimize heat island effects; parking areas shall include a shaded, secure area for bicycle parking. Please clarify how the County will “encourage” these parking locations.

LU-7.11 “Adaptive Reuse” p. 5-20): Please provide this fine policy with specific, enforceable language and a concrete implementation measure; how will the County “encourage” preservation, and what is meant by new development “should respect” significant buildings and areas?

LU-7.12 “Historic Buildings and Areas” (p. 5-20): Please make this policy specific (“encourage” and “support” how?) and do the same for its Implementation Measure (#23, p. 5-24).

LU-7.13 “Preservation of Historical Buildings” (p. 5-20): Same comment as for LU-7.11 above.

LU-7.14 “Contextual and Compatible Design” (p. 5-20): Same comment as for LU-7.11 above.

LU-7.15 “Energy Conservation” (p. 5-20) and Implementation #24 (p. 5-24): Please strengthen this extremely important policy and move its implementation to BEFORE 2010, preferably BEFORE 2009. Please change “encourage” to “require.” Please also add to this policy or add a new policy in this section requiring Water Conservation as well. The Ahwahnee Principles and the LEED certification program could be adopted and implemented right away; LEED-ND has not yet been issued, but that is no reason to delay requiring compliance in all new development and construction with the existing standards. Many additional ideas for Energy Efficiency and Renewable Energy measures and Water Conservation and Efficiency measures are available on the website of the Office of the California Attorney General and on numerous other sites presumably well known to County planners and decision-makers. With global warming accelerating and AB32 urging us on, please implement of a highly effective Energy and Water Conservation policy well before 2010.

6. HOUSING

The GPR (p. 6-1) states that the County's current Housing Element, adopted in December, 2003, and certified by the California Housing and Community Development Department in April, 2004, **will be incorporated into the GPU in its final version.**

Why isn't it being incorporated and made consistent with the draft version of the GPU, so that it could be evaluated by the public and decision-makers as to its adequacy and consistency before the final version comes out?

The web address listed on p. 6-1 for access to the Housing Element does not work; please correct it.

As a minimum, the following areas of the Housing Element should be discussed in the Background Report and DEIR, because they must be factors in the County's decision-making about where and how the County should grow, and must be considerations in constructing the DEIR Alternatives.

The hard copy of the Tulare County Housing Element, obtained from RMA, states in its Preface that it "contains standards and plans for the improvement of housing and *for the provision of adequate sites*" and "makes *adequate provisions for the housing needs of all economic segments of the unincorporated area* of Tulare County." It identifies both "immediate and prospective needs for market-rate and nonmarket-rate households and sets forth a program to meet identified needs." Among many other things, the law requires the Housing Element to be updated at least every five years, to incorporate the regional allocation of housing needs by income group, and to identify adequate sites suitable for all income levels (including multiple-family, mobile homes, emergency shelters, etc.), and it includes a **State-mandated density bonus for projects that reserve 20% of the units for moderate-income homebuyers.**

The Executive Summary (p. ES-2) states that the County's General Plan update process will be "completed in 2005," and ***any required changes to the Housing Element to provide for consistency between this Element and the General Plan will also be addressed during the General Plan Update process.***

Please explain the apparent discrepancy between the action described in this sentence and that described in the sentence above. Where in the GPU is there any description of what's in the Housing Element and how it relates to and is or is not consistent with the GPU documents' provisions?

The Housing Element shows 45,116 housing units in the unincorporated County, analyzes special housing needs, lower income households overpaying for housing (34% of those renting), number of overcrowded households (about 20%) and number of housing units needing rehabilitation/replacement (showing shocking percentages of deteriorated and dilapidated housing in many of the County's communities: e.g., only 11% of the housing is sound in Allensworth, with 42% deteriorated and 48% dilapidated; only 29% sound in Alpaugh, only 22% sound in Delft Colony, only 19% in East Orosi, only 23% in Matheny Tract, only 20% in Plainview, etc.). It

projects numbers of housing units needed in unincorporated communities and states (p. ES-8) that an adequate amount of residentially zoned vacant land is available within the Urban Area Boundaries or Service Areas of the unincorporated communities, but that there was a significant shortfall of new units due to the County's 1991-97 recession caused by a citrus freeze, flooding, and closure of several companies (p. ES-12).

Why doesn't the Background Report include any of this type of information? The BR discusses water and wastewater issues for at least some of the unincorporated communities, but never mentions their housing issues; surely, these must be a factor in the GPU's land use planning and direction of growth.

The Housing Element states that a home should be suitable, affordable, and in a **satisfactory environment** ("one in which residents are beneficially influenced by services such as adequate public facilities, access to employment opportunities, transportation, compatible adjacent land uses, and convenient access to commercial uses," p. I-4), and that Tulare County is concerned about the issue of farmworker housing and the issue of affordable housing in general (p. II-21) (farmworkers have the lowest income and educational attainments, and the highest poverty rate of any occupation surveyed by the Census Bureau); people with a farming occupation comprise 26% of the total in the unincorporated areas of the County).

Yet Table 3-1B (p. III-5) shows that **many of the unincorporated communities, primarily due to sewer and water constraints, can support no medium or high-density residential development** (e.g., Alpaugh, East Orosi, Lemoncove, London, Plainview, Springville, Three Rivers, and Woodville). **Where and how does the GPU describe and address these concerns?** Shouldn't this be a factor in determining where and how the County should direct growth?

Lack of community sewer and water systems, in addition to posing potential health hazards, can result in further constraints on residential development (e.g., **ability to get loans** for new housing), p. IV-11. The Housing Authority has not provided for any new public housing developments within the unincorporated area, due to the need for referendum approval (p. V-5). **Please describe the impact of this funding constraint on where and how the County should grow.**

The County is currently working on implementing Density Bonus allowances (p. V-14). It is expected that the Ordinance will be adopted by the end of FY 2003-04 (p. V-37 and p. VI-33). County policy: when locating agricultural industry in rural areas, a determination should be made that an employment base exists within a reasonable distance of the site (p. VI-28). **Where is this factor discussed in the GPU documents and reflected in its policies and implementation measures?**

COMPONENT C – TULARE COUNTY ENVIRONMENT

Concept 3: Air Quality (p. C-1): Please include development and construction practices and land use practices in this list. Water use practices should be included also because pumping and distributing water accounts for major percentages of our energy use and consequent GHG emissions.

Concept 4: Health and Safety (p. C-1): Please add that an important component of our water strategy described herein should be determining the nature and extent of our existing water supplies. How can we know how much we need to conserve or how much we need to find from new sources such as recycling and re-use until we know how much water we have?

Scenic Landscapes

Principle 2: Reinvestment (p. C-2): Please revise as follows: “Promote reinvestment . . . that enhances *sustainability*, livability and image.”

Principle 5: New Town Impacts (p. C-2): This principle should not be needed because the County should prohibit the development of any New Towns. The space available within our almost 40 existing UDBs and HDBs will more than accommodate all the growth projected throughout build-out of the General Plan, and limiting new development to within those boundaries will do the most to fulfill the people’s priorities of focusing growth in existing developed areas, preserving agricultural and open space lands, and improving air quality and protecting water supply and quality.

Environmental Resources Management

Principle 1: Natural Resources (p. C-2): Please revise as follows: “Provide for the *identification, protection*, and appropriate utilization” The County should be pro-active in the first two areas, as well as utilization.

Principle 4: Natural Lands (p. C-2): Please modify as follows: “*Ensure* the continued preservation of natural lands *and their natural inhabitants*.” It’s much cheaper and easier in the long run to preserve the habitat necessary to sustain viable populations of native species than it is to go through the requirements of the Endangered Species Act and related legislation. It’s also the right thing to do.

Air Quality

Principle 2: Reduce Pollution (p. C-2): Please include *land use* in the list of practices that contribute to poor air quality; land use practices are a major factor in air quality.

Principle 3: Alternative Transportation Modes (p. C-3): Please revise as follows: “Promote land use patterns *and provide alternative travelways (such as bicycle and pedestrian trails and paths, traffic lanes for multi-passenger vehicles only, etc.)* that support”

SL-1.1 Natural Landscapes (p. 7-2): Please add this bullet: “Ensure that all exterior lighting is shielded to minimize light trespass, meeting ‘Dark Skies’ standards.”

SL-1.2 Working Landscapes (p. 7-2): Please add this bullet: “Minimizing impermeable paving and hardscape in order to promote effective groundwater recharge.”

SL-2.1 Designated Scenic Routes and Highways (p. 7-3): The Scenic Landscapes Element is really inspiring. **Please add this bullet:** “Establishing trail systems within these scenic corridors to encourage their enjoyment by foot and by bicycle.” It would be healthier for the scenery and for the tourists to be enjoying our marvelous landscape outside of their vehicles. This would encourage active tourism with lower GHG emissions and also promote a healthier local citizenry.

Also, **the penultimate bullet references Figure 7.2-1, but we can’t find it. Has it been inadvertently omitted** (it was included in the July, 2007 draft GPR)? **Please include it.**

Also, **please cross-reference** (in a text box?) C-1.3 “Scenic Corridor Protection Plans” (p. 2-1, Part II Area Plans). **Please explain** how these two policies are related. Are they supposed to be doing the same thing? **Why are the County’s candidate scenic routes not mentioned in C-1.3?**

SL-3.4 Planned Communities (p. 7-4): Planned communities must be allowed only within existing UDBs and HDBs which have the infrastructure to support them and the desire to host them. Development on ridgelines and hilltops must be prohibited, and light trespass must be prohibited. **Flexibility regarding worthy goals and policies provides no way to enforce them and thus promotes widespread non-compliance.**

We strongly urge the County to adopt and uniformly and universally implement a “Dark Skies”/light trespass ordinance. The language and specifications are readily available, and many jurisdictions have already implemented such ordinances. Minimizing light trespass is not only essential to maintaining visual access to one of our greatest (and absolutely free) resources (our spectacular night sky), it is also important to being a good neighbor and to conserving energy, and thus reducing GHG. **EM-5.18 “Night Sky Protection” (p. 8-10) does not suffice:** it is a piecemeal approach that ignores the facts that a concerned public has already demonstrated the interest, energy-efficiency is an extremely important issue that the County must firmly address, and the BMPs have already been determined..

SL-4.1 Design of Highways (pp. 7-4, 7-5): Please add this bullet: “Providing identified wayside pullouts and rest areas with parking space and interpretive signage to enhance attractiveness and safety of our roads, encourage travelers to learn about the area’s natural and cultural history and attractions, and allow safe opportunities for photography, picnicking, resting from driving, and (on smaller roads) allowing other vehicles to safely pass.”

SL-4.2 Design of County Roads (p. 7-5): Please add same bullet as above in comment for SL-4.1.

Implementation Measure #1 (p. 7-6): This IM must list a Policy, a Responsible Agency, and a Timeframe. It's rather urgent, as 190 and 198 are rapidly losing their scenic qualities due to haphazard development that certainly does not meet the criteria for scenic highway development.

Implementation Measure #8, for SL-2.3 (p. 7-7): Local Chambers of Commerce and historical groups would likely also be good sources and might be able to contribute to getting the list published and distributed to tourists and interested residents.

Implementation Measure #9, for SL 2.5 (p. 7-7): The County might be able to engage volunteer assistance in this inventory process. Various groups interested in beautification and tourism come to mind.

Implementation Measure #13, for SL-3.2 (p. 7-7): Please revise as follows: "Whenever new . . . urban separators *shall* be considered . . ."

8. ENVIRONMENTAL RESOURCES MANAGEMENT

Key Terms

Williamson Act (p. 8-3): Please revise as follows, because as written (showing agricultural production only) this paragraph is quite misleading: "This act allows property owners to have their property assessed on the basis of agricultural production *or open space uses such as scenic highway corridor, wildlife habitat area, or recreational area*, rather than current market value. The purpose of the Act . . . continue to use their property in agricultural *or open space* activities to prevent . . ."

Existing Conditions Overview (p. 8-4): Several resource categories are mentioned here. The County's scenic resources are only implied by some of the remarks that follow. Since these resources are among the foremost in the County that must be protected and preserved, perhaps they should be mentioned, or the reader should be referred to the Scenic Landscapes section. Another of County's foremost resources, its **rich and productive soils**, is not mentioned here, although the soil has proven much more valuable to the County than its mineral resources, which are listed and given a paragraph. The reader could perhaps be referred to the Agriculture section and to ERM-7; our soil resources certainly merit a mention and our careful consideration.

ERM-1.1 Protection of Rare and Endangered Species (p. 8-5) and Implementation Measures #1-#7 (pp. 8-13 and 8-14): The problem with this fine Policy and its Implementation Measures is that **while the wording of the Policy implies proactivity, the IMs for the Policy are almost entirely only reactive**, dealing with the activities of protection only on a haphazard, piecemeal basis as sites come up for project development, which will do very little

to carry out the stated intent of the Policy (protection of wildlife and plant life, especially that which is rare, threatened, or endangered cannot meaningfully occur on a fragmented, piecemeal basis, as it is primarily habitat-dependent, and protecting disconnected small oases of fragmented habitat will not ensure protection of viable populations of species). If the County truly means to ensure protection of its native plants and animals, it must **proactively identify, protect, and preserve habitat areas sufficient to sustain them before it's too late.**

IM #1- Encourage and Support Education (p. 8-13) is a good goal, but does not say how it would do so, rendering the IM **too vague to be meaningful or enforceable. Please correct this deficiency.**

IM #5 – Develop a Joint Study (p. 8-13) is a good start, but it does not state what will be done once the study is completed, which would be the real implementation. Additionally, **habitat must be preserved not only for the survival of rare and endangered species, as required by law, but also to ensure that native populations do not become rare and endangered.**

Most of the information needed for this study is already available, waiting to be compiled from various sources (Fish and Game, Fish and Wildlife, Native Plant Society, Natural Resources Conservation Service, Center for Biological Diversity, etc.). **Furthermore, much of the habitat needing to be protected and preserved is immediately obvious and is already very rare and endangered itself, so that time is of the essence in completing this study and acting upon it.**

Tulare County, per the Background Report (p. 9-9), is only 0.17% lake, only 0.21% wetlands and only 0.34% riparian (these percentages, of course, used to be much greater). These watery areas in the desert floor of our valley are absolutely critical habitat and corridors for native plants and animals, and important for humans as well. **The County should preserve and sustain these key environments for all of us who depend on them, for flood protection, for groundwater recharge, for tourism, for recreation, for scientific study, for cleaning and cooling the air, for cleaning runoff water, and for themselves.** The alpine habitat (.18%) is already protected federal land. **Quite certainly, all of these areas have already been mapped and GISed.**

We already have (or should very shortly have, as in the case of long-overdue developer impact fees) the means to preserve these tiny remaining portions of our natural heritage, through the California Land Conservation Act (Williamson Act), the Quimby Act, the Oak Woodland Conservation Act, developer impact fees, zoning, mitigation programs, etc.

Please prioritize this study and state how and when its results will be used. One of its products should be a comprehensive County biodiversity map, with overlays for all of our sensitive, significant, rare, threatened and endangered species and habitats (including wildlife corridors), plus existing and other suitable recreational resource lands. This map should guide all land use decision-making, to ensure protection and preservation of these vanishing resources.

IM #7 Resource Conservation Areas (p. 8-14) should indicate what the “existing provisions” within the **Zoning Ordinance are.** Please see comment on IM #5 directly above for areas that can be identified immediately as in dire need of being designated as Resource Conservation Areas to protect them as habitat.

Please explain why, if these provisions already exist, we are showing a timeline of 2010-2015 for implementing them.

Please provide concrete, trackable implementation measures with a timeframe of 2008-2010.

ERM-1.2 Development in Environmentally Sensitive Areas (p. 8-5): Please add to the second sentence:

“Development in natural habitats . . . to minimize erosion *and disturbance of natural watercourses, water bodies, and drainage systems*, and to maximize beneficial” This Policy should also require at least 1:1 mitigation for any development allowed in sensitive habitat areas.

ERM-1.3 Encourage Cluster Development (p. 8-5): This Policy should encourage cluster development to preserve not only sensitive habitat potential, but open space in general. This could help in meeting the people’s priorities and also in complying with AB32. **No IM is shown for this Policy** to tell what methods the County would use to encourage cluster development, which is unlikely to occur on the basis of “encourage” alone. **LU 3.2 (p. 5-16) and IM # 19 (p. 5-24)** address cluster development in an equally **vague and unmeasurable manner.** (Likewise, **Policy HS-6.4 Encourage Cluster Development**, p. 10-6, says that the County shall “encourage” cluster developments in areas subject to high fire hazard, but gives no idea how the County would do this and provides no IM.)

Please provide a concrete program with a measurable timeline for this implementation.

ERM-1.4 Protect Riparian Areas (p. 8-5) and Implementation Measures #7, #8, and #9 (p. 8-14): Given global warming, the County’s impending water crisis, AB32, and the people’s priorities, this is an extremely important Policy that must be implemented comprehensively and very promptly. Per the Background Report (p. 9-9), **only 0.35% of Tulare County is riparian.** Much of this small remaining percentage is already degraded. This is an increasingly essential, increasingly endangered resource.

Unfortunately, IMs #7 and #8 are timed for 2010-2015, which is incomprehensible given our water emergency and given that IM #7 states that the County has existing Zoning Ordinance provisions to designate Resource Conservation Areas to protect habitat. It is astonishing that the County should qualify IM #8 with **“if feasible and needed,”** ignoring the fact that mitigation banking programs are already well-established and functioning to preserve and protect natural resource lands in many other jurisdictions. The County has been urged to implement a mitigation program and certainly has the means to do so in the immediate future.

Please change the 2020-2015 timelines on IM #7 and IM #8 to 2008-2010. Please make concrete and measurable the steps that the County will take in this timeframe to effectively protect our vanishing riparian areas (for example, set annual goals of riparian acreage to be protected, with a meaningful total goal to be achieved, and a monitoring and reporting that allows the public to review annually the effectiveness of this program).

ERM-1.5 Riparian Management Plans and Mining Reclamation Plans (p. 8-5) and IM #7 (p. 8-14): Please apply comments above on ERM-1.4 to ERM-1.5 also. The sole IM for this Policy has to do with the County designating Resource Conservation Areas in 2010-2015; please clarify the applicability to this Policy, and move the Timeframe forward to 2008-2010.

Please make this Policy and its IM concrete and measurable. Please state what measures must be included in the plans, how they will be implemented and monitored, and when this will be required.

Please explain how this is related to the County's Zoning Ordinance provisions to designate Resource Conservation Areas.

ERM-1.6 Management of Wetlands (p. 8-5) and IMs #5, #6, #7, #10, #11 (pp. 8-13 and 8-14): Given global warming, endangered and threatened species and habitat, the County's impending water crisis, AB32, and the people's priorities, this extremely important Policy must be implemented comprehensively and very promptly.

Please clarify and strengthen this vague Policy and its IMs. Per the Background Report (p. 9-9), only **0.21% of Tulare County is wetlands**. This is a tiny fraction of the wetlands areas that once so enriched our County. The Background Report states (p. 9-1) that wetlands provide habitat for many plants and animals and are essential in preserving the quality of surface waters and in recharging groundwater aquifers.

The joint study in IM #5 is important; it is very likely that **most of this information is already available** from Fish and Game, Fish and Wildlife, Natural Resources Conservation Service, the Center for Biological Diversity, etc. **IM #5 should state how the study will be used. Please see the comments above (with ERM 1.4) on IMs #7 and #8.**

IM #10 shows a 2010-2015 timeline for pursuing a program for vernal pools; **please change this to 2007-2010**, because these pools are highly threatened (the Background Report, p. 9-12, states that vernal pool ecosystems are considered one of the most threatened ecosystems in California, often occurring on relatively flat terrain, and highly vulnerable to destruction from agriculture, heavy grazing, urbanization, brush clearing, and off-road vehicle use). Admirably, IM #10 says that the County shall actively pursue acquisition or preservation of vernal pools, BUT not until 2010-2015, by which time many more will have been irretrievably lost. Since **conservation easements and trusts are already available instruments** in the County, the County should **define** concretely what it means by "actively pursue" and begin preserving these pools right away.

Please establish a mitigation banking program well BEFORE 2010, along with developer impact fees. IM #10 should be revised to state a minimum number of acres of vernal pool ecosystems that the County will commit to acquiring or preserving before 2010 and should establish an ongoing annual goal for their preservation, the achievement of which will be monitored and measured, with the results available annually for public review.

IM #11 Wetland Preserves (p. 8-14) must be made clear, concrete, and enforceable. It should state what the County's current efforts are to maintain and enlarge wetland preserves. It should as a minimum set specific annual goals for additional acreage to be set aside for wetland preserves to maintain the flyway route. It should recognize that, beyond their importance to habitat, such preservation areas can be very attractive to

tourists, especially the ever-growing numbers of bird-watchers. **Please revise its current second sentence to “Such wetlands *shall* also” Then state in concrete terms, with measurable implementation objectives, how the County will protect these preserves through the programs listed.**

ERM-1.7 Planting of Native Vegetation (p. 8-5) and IM #12 (p. 8-14): This Policy would be good not only for native plants and the wildlife dependent on them, but also for maintaining the natural character of Tulare County, and, very importantly, given our impending water crisis, for reducing water use, as native plants will typically need no irrigation once established.

Please change “encourage” to “require,” especially in the case of developers. If the County insists that it cannot require anything because it needs flexibility, then require a percentage only, such as 80% (after all, Las Vegas is allowing no more grass front yards and is paying homeowners to rip out their thirsty lawns and plants and replace them with natives).

The Implementation Measure (#12), developing a list of native vegetation to be used (already currently available from the Native Plant Society, local nurseries, and numerous other sources), is not likely to significantly increase the planting of native vegetation, since that information is already widely available. **To promote water conservation and achieve measurable increases in such planting, the Policy and the IM must be strengthened and should include specific annual goals for native planting.**

ERM-1.8 Open Space Buffers (p. 8-5) and IM #9 (p. 14): **Please revise the second sentence in the Policy:** “These buffers *shall* be sufficient” **The IM is unclear** when it says that the buffers will be public open space. Does that mean that the buffers will be open to public access? If so, they will need to be larger in order to accommodate human activity in addition to their function for preservation.

ERM-1.10 Appropriate Access for Recreation (p. 8-6) and IM #13 (p. 8-14): Here is another example of a Policy to “encourage” to be effectuated by an Implementation Measure to “encourage.” The interesting part here is that, per IM #13, the County “shall classify and preserve private lands which are prime timber lands and reserve them for that use” How can the County do this? If it can preserve private timber lands and reserve them for timber, then can it also preserve private wetlands and riparian areas and other key habitat areas and reserve them for ecological purposes? Please clarify, and apply to other critical resource lands if possible.

ERM-1.12 Management of Oak Woodland Communities (p. 8-6) and IM #14-16 (p. 8-14): **The Policy should be clarified** because “support” is too vague. **IM #14 says “the County shall ensure the provisions of PRC 21083.4 [The California Oak Woodland Conservation Act of 2001] are followed** when evaluating projects in woodlands.” The Oak Woodland Conservation Act grew out of concern at the extensive loss of these woodlands to development, firewood harvesting, and agricultural conversions, because **oak woodlands moderate temperatures, reduce soil erosion, facilitate nutrient cycling, sustain water quality, enhance natural and scenic beauty,**

enhance the monetary and ecological value of real property, promote ecological balance, and provide habitat for about 5,000 insect species, 160 bird species, and 80 mammal species, according to the University of California (this is not to mention their value for tourism and hunting and fishing interests). The Act established an Oak Woodland Conservation Program administered by the Wildlife Conservation Board, which is authorized to purchase oak woodland conservation easements and provide grants for land improvements and oak restoration efforts; its intent is to support and encourage voluntary, long-term private stewardship and conservation of these woodlands through financial incentives and to encourage planning that is consistent with oak woodland preservation. Twenty percent of the money may be used for public education and outreach by local governments and others and for grants to provide technical assistance and to develop and implement oak conservation elements in a general plan.

To qualify for funding, the county (or city) must have adopted an Oak Woodland Management Plan; grant proposals may come from private landowners, local government entities, and others, but the County (or city) must certify that proposed grant requests are consistent with its adopted Oak Woodlands Management Plan. Thus, **IM #14 is apparently meaningless unless the County has adopted an Oak Woodlands Management Plan.**

IM #15 (p. 8-15) indicates that the County has not adopted such a plan. It states that the County (in 2010-2015) “shall work with stakeholders to determine the feasibility of adopting an oak woodlands management plan pursuant to the . . . Act.” This is a poor replacement for the related IM in the last draft of the GPR (#13 on p. 8-17), which said that the County “shall protect oak trees throughout the foothill and mountain areas. Preservation methods may include agreements with the owner, conservation easements, and purchase of the property by the County or other organization such as the Sequoia Riverlands Trust”; that IM was indicated as being ongoing. Of course, the County should also be protecting oak trees in the valley, but at least in the last iteration it was committed to an ongoing effort, not to just a feasibility study sometime in the next 7 years.

Numerous groups and individuals are assuredly ready to work with the County NOW to assist it in preparing the Resolution that it must adopt (and which many other counties have already adopted) in order to qualify for the grant funding available through the program. **Please change the IM #15 Timeline to BEFORE 2010.** In IM #13, the County is preserving prime timber lands and reserving them for that use. The County should be preserving prime oak woodlands and reserving them for habitat and their multiple other beneficial uses as described in IM #14 comments directly above. This is an important step to take in the effort to comply with AB32, to help to mitigate global warming impacts, and to meet the people’s priorities.

Any reduction of natural oak woodland should compel mitigation on at least a 1:1 basis of preservation of equivalent oak woodland. Planting oak seedlings somewhere will not suffice to mitigate loss of mature oak woodland.

IM #16 (p. 8-14) states that the County “shall establish a program to require replacement planting of native oaks” when development projects propose to alter oak woodlands. **It would be far better for the County to prohibit any extensive development in oak woodlands;** they should be largely preserved due to their value as stated directly above in comments on IM #14 and #15. **Any development in oak woodlands should be required not to disturb any oaks over a certain diameter and to preserve as many oaks as possible.** An oak seedling, if

it lives, takes dozens of years to grow to a size sufficient to provide the benefits of a mature tree. **While replacement planting must be required when oaks in a woodland must be removed, replacement planting is no substitute for avoidance of oak disturbance in the first place.**

Please clarify what kind of program the County means to establish, and make it much stronger than this vague and weak IM. When projects propose to alter oak woodlands, project applicants must be required to mitigate on at least a 1:1 basis with preservation of equivalent oak woodland.

ERM-1.13 Pesticides (p. 8-6) and IM #17 (p. 8-14): Please amend the Policy statement to: "The Tulare County . . . shall cooperate . . . in evaluating the side effects . . . to limit effects on natural resources *and on humans and wildlife.*"

This Policy should also address the requirement to cooperate in evaluating and regulating the significant GHG emission impacts of pesticides. Most pesticides contain VOCs, which evaporate from fields and are a key component of ozone, our most abundant air pollutant. Per the Department of Pesticide Regulation, fumigants are responsible for about half of the San Joaquin Valley's pesticide emissions. They are highly toxic gases that contain high concentrations of smog-forming compounds and can have neurological and reproductive effects when inhaled. The fumigant methyl bromide damages Earth's protective ozone layer, contributing to global warming and causing international concern. More than 700 pesticides contain VOCs. Overuse and misapplication of pesticides causes or allows these highly toxic chemicals or drift off fields or seep into groundwater, adversely affecting health. Ninety percent of pesticides used in California are prone to drift. Exposure to pesticides is linked to short- and long-term effects including headaches, dizziness, skin rashes, asthma, reproductive harm, acute poisoning, and cancer. Tulare County used more than 17.5 million pounds of pesticides in 2005, the third highest use of any County in California. Over 50% of Tulare County's public schools are located within ¼ mile of agricultural operations. **If this information is not included in ERM 1.3, then it must be included in the Background Report and/or the EIR and addressed under CEQA by the EIR.**

IM #17 (p. 8-15) should be amended as follows: "The County shall continue . . . the inappropriate application of pesticides, herbicides, or other chemical controls. This shall include damages . . . impregnated with pesticides or herbicides or other chemical controls which are"

ERM-1.14 Mitigation and Conservation Banking Program (p. 8-6): This Policy is important and long-overdue, but very disappointing because it is so vague and has no implementation measure, rendering it almost meaningless. The only indication of what the "support" will be is that the County will work with others to identify lands for protection and recovery of imperiled species impacted by development. **Thousands of acres of those lands have already been identified. The point is to find the money to preserve and protect them (such as via developer impact fees with which to purchase lands outright or to protect them with permanent conservation easements).**

The Policy should be revised to state “The County shall *establish and administer* a mitigation program, . . . to evaluate, *identify, preserve and protect* appropriate lands”

Please **add a concrete and measurable IM with a Timeline for implementation BEFORE 2010**. There are many good working models to follow, in place in other counties. The County’s “ACFP Phase I: Dairy/Bovine Animal Confinement Facilities” states on p. 30 of the “Response to Comments” section, in Response to Comment 20, that “As noted in Section 4.3.3 of the draft PEIR, a Preliminary Draft Habitat Conservation Plan (HCP) was prepared for Tulare County in 1996.” **What happened to this Preliminary Draft Habitat Conservation Plan? Was it ever adopted and implemented? Could it not serve as a basis for the County’s Mitigation and Conservation Banking Program?**

RECOMMENDATION ON MITIGATION AND CONSERVATION PROGRAM:

A survey conducted by the Association of Environmental Professionals found that 82% of the lead agencies responsible for monitoring mitigation efforts had “inadequate in-house staff and funding to perform monitoring and reporting.” “Two thirds of the agencies said that they had not taken enforcement actions against project sponsors for failing to comply with mitigation measures or to perform adequate monitoring and reporting.” Two thirds also said that they had no established procedure for modifying a mitigation measure if it is determined infeasible or inadequate once implementation and monitoring is attempted, and that they “had never modified measures that were determined to be inadequate once monitoring had begun.”

Therefore, **please ensure through concrete policies and implementation measures that Tulare County’s program requires developers pay into a fund that is used to hire staff to monitor mitigation efforts, and that the County does not allow development to proceed until mitigation is complete and demonstrably successful**. For multi-phase projects, the County should **incorporate mitigation checkpoints**, so that subsequent development phases cannot move forward until mitigation benchmarks have been achieved. The County’s program should **require the lead agency and the developer to prepare an annual report on the status of the mitigation measures which must go to the Board of Supervisors for approval, with an opportunity for public review and input**.

ERM-2 Mineral Resources – Surface Mining (p. 8-6): The County should take at least equal care to conserve, identify, and restrict incompatible development from its other natural resources as it does with its aggregate and mineral deposits.

ERM-2.6 Streamline Process (p. 8-6): This Policy should be revised to clarify that **the streamlining process shall continue to ensure full CEQA review and establishment of applicant’s financial responsibility for mitigation and reclamation**.

ERM-2.6 Streamline Process and IM #27 (p. 8-16): Please amend this IM to state that the Zoning Administrator shall have no authority to approve any mining permits or reclamation plans without prior public notice and consideration of public comment.

ERM-2.8 Minimize Adverse Impacts (p. 8-6) and IM #28 (p. 8-16): This Policy should include global warming impacts and GHG emissions related to mining, also PM10 and other particulates. This vague, but very important, Policy needs a strong, clear, enforceable IM; please revise IM #28 to include an indication of what procedures are contemplated and change the Timeline to 2008-2010.

ERM-2.14 SMARA Requirements (p. 8-7): Why would the County exempt a mine from reclamation meeting SMARA requirements? Please revise to: "All surface mines shall be subject to completion of reclamation plans that meet or exceed SMARA requirements."

ERM-3.3 Small-Scale Oil and Gas Extraction (p. 8-7): This Policy should require the County to evaluate the GHG emissions and global warming impacts of such activities prior to permitting them; such activities could negatively affect the County's ability to comply with AB32.

Additionally, given its impending crisis in water quantity and quality, this Policy should also require the County to carefully evaluate the impact of proposed extractive activities on water quality and supply.

The GPU documents must include discussion and evaluation of the environmental impacts and risks associated with oil and gas extraction, including those related to disposition of solid wastes from drilling and workover operations; contaminants in produced water and in cuttings; leaching of contaminants from reserve pits; emissions of VOCs and methane from leaks and venting of overpressure and conditioning of natural gas; flaring of gases such as methane, hydrogen sulfide, and nitrous oxides from combustion; release of contaminating fluids from spills, leaks, blowouts, and deliberate releases for re-injection, discharge of separated water to percolation pits, and reuse of separated water (as for irrigation and road dust suppression); subsurface migration of contaminants between aquifers due to casing leaks; idle and orphan wells; etc. Natural gas and oil production emits significant methane (one ton of which has the global warming potential of 21 tons of carbon dioxide); methane is also emitted during processing, transmission and storage, and distribution. There is also GHG impact from fuels burned to support field production.

ERM-3.4 Oil and Gas Extraction (p. 8-7): Same comment as on ERM-3.3, directly above.

ERM-3.5 Reclamation of Oil and Gas Sites (p. 8-7): Please amend this Policy to include a timeframe in which reclamation must be completed, and clarify "timely"; e.g., "Reclamation shall be completed timely to the satisfaction of the County within a period not to exceed one year from the termination of extraction activities."

Correct the second sentence: "Reclamation costs shall be borne by . . ."

Implementation Measure #27 Zoning Administrator to Approve Mining Permits and Reclamation Plans (p. 8-16): Please ensure that no mining permits or reclamation plans may be approved by anyone without prior public notice, the opportunity for public comment, and CEQA review.

Implementation Measure #29 Conditions to Minimize Mining Impact (p. 8-16): Please change last part of sentence: “Conditions to minimize . . . pursuant to CEQA and SMARA, *shall* be imposed”

Implementation Measure #36 Conditions Imposed with Mining Permit Application (p. 8-17): Please amend: “Conditions *shall* be imposed”

Implementation Measure #46 New or Amended Mining Permits (p. 8-19): Please amend: “For all new . . . County *shall* require submittal . . . requirements. Reclamation *shall* be done”

ERM 8.4 Energy Resources (p. 8-7): This section should deal with **Energy and Water Resources**.

ERM-4.1 Energy Conservation and Efficiency Measures (p. 8-7): This Policy should be changed to deal with “**Energy and Water Conservation and Efficiency Measures**.” Global warming, the requirement to comply with AB32, our impending water crisis, and common sense dictate that **the County must not simply “encourage” energy and water conservation and efficiency.**

Please amend to: “**The County shall require** the use of best available energy and water conservation and efficiency technologies, including, but not limited to, solar energy . . . panels, *on-demand tankless water heaters, compact fluorescent light bulbs, energy- and water-saving appliances, and water-saving landscaping .*”

Please expand and strengthen this Policy, and give it a concrete, measurable Implementation Measure. The State Attorney General’s Office website (along with many other websites) lists numerous measures to promote energy efficiency and renewable energy and water conservation and efficiency.

Many more such measures should be provided for in this section. If water conservation and efficiency measures are not going to be discussed in this section, there should be a box showing where this essential information is provided.

The County should establish a baseline of current water and energy use per capita and establish specific, measurable goals for reducing per capita usage significantly year by year.

ERM-4.2 Streetscape and Parking Area Improvements for Energy Conservation (p. 8-8): Please amend this to: “Streetscape . . . **Energy and Water Conservation**.” This is an important Policy because of global warming and AB32; the trees will cool and clean the air and cool the surfaces below them and will beautify street and parking areas and encourage pedestrian traffic, which could help to reduce VMTs. This Policy should **require that**

developers plant the trees and should ensure that funds will be available for their maintenance. The County should require that the trees be large-canopy native trees whenever possible, so as to provide habitat and drought tolerance. If the trees are not natives, they must still be drought-tolerant. The trees should be mulched and should be watered with recycled water. This Policy needs a concrete, enforceable, measurable Implementation Measure which will be effective before 2010. It should be done this year. It takes a long time to grow a tree large enough to mitigate global warming.

ERM-4.4 Promote Energy Conservation Awareness (p. 8-8): This should be changed to “Promote Energy and Water Conservation Awareness.” This Policy is worded so vaguely as to be almost meaningless and it has no Implementation Measure. Of course, the County should provide public education on this critical subject. Will it? Please strengthen and clarify the Policy and provide a concrete, measurable IM.

ERM-4.5 Advance Planning (p. 8-8): Please amend this Policy: “The County shall participate . . . strategies and facilities, *with an emphasis on reducing energy consumption in order to reduce GHGs and global warming impacts.*”

ERM-4.6 Renewable Energy (p. 8-8): This Policy must be clarified and strengthened. How will the County “support” efforts for development and use of alternative energy resources? This Policy needs an Implementation Measure that shows how and when the County will effectuate renewable energy measures. For example, the County should require all new dairies to install methane capture systems to generate energy. The County should require solar energy systems on all new construction. Etc.

ERM-5.1 Parks as Community Focal Points (p. 8-8) and IMs # 49 and #50 (p. 8-19): Here’s a fine Policy, but the IMs indicate that the County, on an ongoing basis, is passing the responsibility for carrying it out to local entities such as CSDs and developers. Prospects seem dim for our County parks: the Background Report (p. 4-2) indicates that the County is currently “not proposing any new parks due to budget restrictions for operation of the facilities.” There is no way to measure the success of this Policy or its IMs. The County should set specific goals for providing community center/recreation buildings to specific parks, with a timeline for targeting their completion. The Background Report provides no baseline information on existing community center/recreation buildings. It may be noted that, per Table 4-1 (pp. 4-2—4-3) in the Background Report, only 5 of the County’s 21 unincorporated communities (and none of the 11 hamlets) even have County parks, (although Bartlett Park is located 8 miles east of Porterville, and Allensworth State Park is about 7 miles from Earlimart, both too far for most visitors to access without driving; perhaps the residents of the hamlet of Allensworth visit the State Park. Allensworth, however, is a historical park, not a community focal point or recreational area).

ERM 5.2 Park Amenities (p. 8-8): This is yet another fine-sounding Policy with no IM, no concrete plan indicated, and no way to measure the County's success in providing these amenities. There appears to be no baseline information in the Background Report on these amenities, other than in Table 4-1 (pp. 4-2—4-3), which indicate that many of the County parks have reservable picnic areas and one has campsites. **Table 2 shows only one park, Mooney Grove, out of the total of 13 County parks, with additional amenities such as paddle boats, a playground, and baseball diamonds.** And, as noted directly above, in the ERM-5.1 comment, the great majority of the County's unincorporated communities and hamlets have no County parks.

ERM 5-3 Park Dedication Requirements (p. 8-8): This is an excellent Policy with no IM. **Please include a concrete IM and a date for implementation.** (The Quimby Act was enacted in 1975.) Parks are very important to public health, to tourism, to helping to mitigate heat island effects, to beautification; and, if well planted with native large-canopy trees, they can provide habitat and air cleaning and assist in achieving compliance with AB32.

ERM-5.4 Park-Related Organizations (p. 8-8): This Policy is too vague ("consider") and has no IM. There are many successful models in effect to choose from. **Please include a measurable IM with a timeline.** No new development should occur in the County without the creation of new parklands or the preservation of open space, achieved either by direct applicant development of the park or by applicant's payment of impact or mitigation fees to be used for the creation of a nearby accessible park or preserved open space area.

ERM-5.6 Location and Size Criteria for Parks (pp. 8-8 and 8-9) and IMs # 51 and #52: **The Background Report seems to provide no baseline information on neighborhood Play Lots (Pocket Parks) or Neighborhood Parks.** Thus, progress on the goals and policies and implementation measures for Recreation and Open Space Resources can't be readily measured. The Report indicates that the County **lacks Community Parks (only 5 of the 21 unincorporated communities and none of the hamlets appear to have County parks).**

Although the County's population is now over 400,000, **we have no Regional Parks over 200 acres in size and only one large somewhat centrally located County park (Mooney Grove, 143 acres).** The largest County-owned park, beautiful Balch Park, is too far away in the mountains for most residents to visit it with any regularity at all. **The County desperately needs more large parks in the valley, where its population is, and where people would not have to drive much, or preferably at all, to visit them.**

Page 8-9 of the GPR states that the County "shall strive to maintain an overall standard of five to nine acres of County-owned improved parkland per 1,000 population" The County's population currently exceeds 400,000. Table 4-1 in the Background Report (p. 4-2) shows a total of **less than 700 acres of County-owned parkland.** According to the standard, there should be 2,000 to 3,600 acres.

For the health and welfare of its residents, and to mitigate global warming and GHG emission impacts, and to work toward compliance with AB32, the County must implement effective, measurable programs to ensure a timely and significant increase in the number and size of County parks. Page 8-9 of the

GPR states that “Neighborhood play lots (pocket parks) are encouraged as part of new subdivisions applications.” **The County should require all developments to provide or contribute to the provision of parks** (see above comment on ERM-5.7).

Implementation Measure #51 Park Development Impact Fee (p. 8-19) states that the Board of Supervisors shall establish such a fee, but this is LONG overdue. A definite deadline needs to be set for the implementation of this implementation measure.

Implementation Measure #52 Access to Suitable Recreation Land (p. 8-19): states that maximum efforts should be concentrated on acquiring recreation sites within one hour’s travel time from urban concentrations throughout the County. **Please revise to “. . . sites *within walking or cycling distance whenever possible, and within 10 to 15 minutes’* travel time from urban . . .”** The County needs recreation land and open space in or adjacent to its urban concentrations to promote healthful activity for its residents, and for environmental benefits. Locating recreational lands distant from populations will discourage their use and will add unnecessary VMTs; this will not help us achieve AB32 compliance.

Background Report Figure 4-1 Existing Parks (p. 4-4): The numbers in this Figure presumably refer to the numbers of the locations given in Table 4-1 on the preceding two pages. **Many of the numbers are in the wrong locations; this Figure should be corrected.** For example, #15, which is Mountain Home State Forest in the Table, is placed next to Three Rivers in the Figure, which is where Lake Kaweah, #16 in the Table, is located. #14, Allensworth State Park in the Table, is depicted in the Figure in the area of Giant Sequoia National Monument, when it should be located near the hamlet of Allensworth, which has an unlabeled dot nearby. Etc.

ERM-5.7 Public Water Access (p. 8-9) and IM #53: Since the overwhelming majority of the County’s residents live in and spend the overwhelming majority of their time in the desert environment of the valley, public access (well regulated so as not to abuse the resource and habitat) to water courses would be very desirable, as would acquisition of multi-purpose sites. **This Policy must be strengthened beyond its vague “encourage” and armed with a concrete Implementation Measure showing how and when the County will acquire these access sites and rights.** Lakes Success and Kaweah, of course, are operated by the U.S. Army Corps of Engineers and already provide lake access, swimming, fishing, boating, hiking, and camping opportunities.

Implementation Measure #53 Shoreline Development Standards (p. 8-20): Please revise: “The County shall develop . . . such as . . . public access, and *requiring* protection of . . .”

ERM-5.8 Watercourse Development (p. 8-9): This buffer minimum is a good start. Three hundred feet would probably be better. **Please revise to indicate that a qualified resources conservation professional shall**

determine the necessary buffer parameters beyond the required minimum on a case by case basis, depending on the location, habitat, soils, etc. at the specific site.

ERM-5.9 Encourage Development of Private Recreation Facilities (p. 8-10): Please revise the second sentence: “The intensity . . . *shall* not exceed . . . and *shall* be compatible”

ERM-5.10 Recreational Facilities for Special Use Groups (p. 8-10): Please revise to: “The County *shall ensure* the provision” IM #54 and IM #55 (p. 8-20) are shown for ERM-5.10; neither relates directly to it, but both are important. Please revise IM #55 by changing each “should” to “*shall*” because “should” is not enforceable.

ERM-5.12 Meet Changing Recreational Needs (p. 8-10): While the recreational opportunities are excellent in the national and state forests and parks, they are generally remote from the County’s main population centers, which are all in the valley. Many residents cannot afford the time or gas required to visit these parks with any regularity, plus that’s a lot of VMTs. A good way to promote visitation would be to implement more public transportation, such as the Park Shuttle from Visalia, which would also reduce VMTs and help with AB32 compliance. Please clarify this Policy (how will the County “promote?”) and provide it with a concrete, measurable Implementation Measure.

ERM-5.13 Funding for Recreational Areas and Facilities (p. 8-10): Please clarify this Policy (how will the County “support” and “strive?”) and provide it with a concrete Implementation Measure. IM #49 (p. 8-19) states that the County shall encourage and assist CSDs or other local entities to take over all functions related to parkland in established areas. Does this mean that the County’s goal is to push this responsibility onto much smaller and less well funded local entities? “Support” means give it to someone else to do? What is the likely effect of this on the viability of our parklands and recreational areas?

ERM-5.14 Park Design (p. 8-10): Please clarify this Policy (what kind of efforts?) and note that the IM specified for it (IM #56, p. 8-20) does not seem to be closely related to ERM-5.14. The IM seems to state that the County has an ongoing program through subdivision and development approvals of acquiring scenic and open space easements, including wooded areas, flood plains, scenic and historic sites, and other recreation areas. Please clarify this IM. Is this a mitigation program? Where can it be found? Where are the easements that have been acquired? Are they open to the public?

ERM 5.15 Open Space Preservation (p. 8-10) and IM #57 (p. 8-20): Preservation of open space is a high priority of Tulare County residents, important to the tourism industry, extremely important for recharging our hugely overdrafted groundwater basins, and also very important to global warming mitigation. The only Implementation Measure for Policy ERM 5.15 is #57, which says the County’s open space protection program is the ongoing

Williamson Act, which is a State voluntary program for private landholders, not a County program to preserve open space (and the general public typically has no access to most Williamson Act lands, because they are used for private agricultural purposes). The County says it will give “attention” to other tools, such as Transfer of Development Rights, as needed. Such programs are clearly needed now.

Please revise this IM to make it concrete and measurable: Please explain what exactly is the County’s “existing open space land protection program” and where it can be found; “attention to” is not concrete or measurable). As discussed several times above, the **County must establish development impact mitigation programs as soon as possible**, and should be using all the tools available to it to meet the priority goal of preserving and protecting meaningful portions of its open space for the public.

ERM 5-18 Night Sky Protection (p. 8-10): As previously stated, given the need to save energy, the benefits of preserving visual access to the wonder of our night sky, the advantages of preventing light trespass, and the fact that local astronomers and many residents support it, **the County should promptly adopt and implement “Dark Skies” standards (readily available on the web) for all new exterior lighting.**

ERM-5.18 Interagency Cooperation (p. 8-10): This duplicates Policy ED-5.14. Per Matrix p. 193, #2, this Policy was to be moved to Economic Development. It’s been moved, but has not been deleted here.

ERM-6.2 Protection of Resources (p. 8-11): Please make this Policy clear, strong, and enforceable. IM #58 should work, once the provisions are incorporated.

ERM-6.5 Cultural Resources Education Programs (p. 8-11): This Policy of “should support” programs, with no IM, is too vague and unsupported to be measurable or enforceable; **it should be strengthened and clarified and given a concrete Implementation Measure.**

ERM-6-6 Historic Structures and Sites (p. 8-11) and IM #59 (p. 8-20): The “shall support” of the Policy has an **IM (#59) stating that the County “should” establish a committee**, with a Timeframe of Ongoing. Is this to imply that the County should have established this committee for quite some time? The last bullet of this IM indicates that the committee would “determine appropriate locations . . . as a Certified Local Government.”

The **Background Report (p. 9-33) states that the County is NOT a Certified Local Government**, at least as of September, 2004. **Please make this an enforceable and convincing IM.**

Additionally, p. 4-39 of the **DEIR states that ERM-6.6 should be revised** and includes revised and new language for the Policy. However, **this revision has not been made to ERM-6.6 in the GPR.**

ERM-6.7 Cooperation of Property Owners (p. 8-11): This Policy should be clarified and strengthened and should include a concrete, measurable IM.

ERM-7 Soil Resources (p. 8-12): Please revise to: “To preserve . . . for . . . timber *and habitat* productivity and to protect”

ERM-7.1 Soil Conservation (p. 8-12) and IM #61 (p. 8-21): The title of this Policy should be changed to “Soil Conservation, *Protection, and Sustainability*.” **The Policy should be expanded and clarified to cover not just the traditional idea of soil conservation (e.g., implement best practices to keep it from blowing away or being washed away), but also to protect it from the introduction of harmful chemicals (e.g., herbicides and pesticides, nitrates and ammonia, etc.), compaction, salinization from improper irrigation, degradation and desertification from overgrazing, etc.** Urbanization, industrialization, mining, and transportation systems impact soils far more permanently than agriculture. Healthy land, air, and water are the irreducible requirements for human sustenance and quality of life. **Please strengthen and expand IM #61 (p. 8-21) to include these concerns and to ensure that the County’s standards will be sufficiently comprehensive and enforceable to ensure conservation, protection, and sustainability. Another key implementation measure for this Policy should be to strictly limit greenfield development in the County, confining all new development to within existing UDBs and HDBs.** To preserve our soils, we need to implement and enforce highly efficient land use practices. The County should also **minimize the construction of new roads**, focusing on compact development and public transit; new roads create a tremendous amount of soil compaction and feed many contaminants into the soil from vehicular traffic.

ERM-7.2 Soil Productivity (p. 8-12): Please see and incorporate for this section also the comments on ERM-7.1 and IM #61 directly above. The comments apply to both conservation and productivity of soil.

ERM-7.3 Protection of Soils on Slopes (p. 8-12): **This Policy should be revised** (or another Policy should be added) to protect soils on slopes by also limiting the percentage of the area of the slope that can be graded in order to prohibit, for example, switchbacking roads or driveways that remove or degrade from its natural condition and/or function more than 20% of the total surface of the affected slope.

ERM Implementation Measures (p. 8-13 ff): Per pp. 4-41 and 4-42 of the DEIR, three new IMs (designated as 56A, 56B, and 56C) are required to be added to the ERM Implementation Measures to address impacts to archaeological resources. **These new IMs do not appear in this section (8.9) of the GPR. Please explain how and when they will be added to the GPR.**

9. AIR QUALITY:

Global warming, the health and welfare of its citizens, and the requirements of AB32 necessitate the County's taking a bold, pro-active leadership role in addressing this issue, which is a the top of the people.

KEY TERMS (p. 9-1 ff):

Please include in the definitions of the Key Terms sufficient factual and consequential information to enable readers to understand why the terms are being discussed and why the General Plan must forcefully address Global Warming and Greenhouse Gas Emissions. Most General Plan readers will never read the Background Report and the EIR. They need to find relevant information for understanding and decision-making in the GPR. (The Background Report and EIR are also deficient in these respects, as will be discussed in more detail below.) **It is imperative that the General Plan disclose and discuss the effects on human health of poor air quality in general and of key pollutants in particular, and that it also fully discuss the effects of pollution on crop production, tourism, and other sectors of the economy, and that it adopt all feasible mitigation measures (which are to be reflected in our GPR's Implementation Measures) to address the costs and consequences of air pollution and GHG emissions.**

Carbon Dioxide (CO₂) (p. 9-1): This definition is written so as to give the impression that human-caused emissions of CO₂ as a GHG are virtually insignificant and therefore need not be addressed. This is dangerously and irresponsibly deficient and misleading information.

This Key Term's definition must be re-written to meaningfully address the significance of CO₂ as a GHG and agent of global warming. The point, of course, is not the relative percentages of natural vs. anthropogenic CO₂ emissions. The point is that until recently Earth's CO₂ was in balance; over the last dozen or so decades, burgeoning human population, industrialization, and burning of fossil fuels has emitted so much CO₂ that it has begun to throw the Earth's CO₂ system out of balance, resulting in accelerating climate change (global warming) that will drastically impact human comfort, health, livelihood, and even survival all over the planet (not to mention all the other living things on board). Human civilization has evolved and thrived under a climate regime that has been relatively stable for over 650,000 years. In the last few decades change has occurred far beyond the bounds of any previous change in that 650,000 year period, and human activities are contributing significantly to that change. (See Global Warming definition below for additional information.)

Carbon Monoxide (p. 9-1): Please add to this definition the following information so that the reader may understand WHY CO is being discussed: "Carbon monoxide reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system; it impairs vision, causes dizziness, and can lead to unconsciousness or death."

Please add a Key Term (p. 9-2) and discussion as follows: "Costs of Poor Air Quality: Many studies have shown the costs of poor air quality in our area, as indicated by the following examples: A recent CSU Fullerton study showed that the health-related impacts of air pollution drain the San Joaquin Valley's economy of **\$3 billion every year**. That's the cost of shortened life spans, hospitalizations, job absences, school absences, and other

economic and health effects of the region's chronically poor air quality. The Valley's annual school absenteeism due to asthma totals about 808,000, accounting for **lost revenue to regional school districts** of at least \$26 million annually (not to mention the students' lost learning days). The financial **cost of asthma** to four Valley cities alone exceeded \$85 million per year (this is not to mention the suffering of those afflicted with asthma).

According to the Air District, ozone pollution causes as much as \$270 million a year in damaged agricultural crops in the Valley. Harvests of crops such as grapes, cotton, tomatoes, oranges, and alfalfa can be reduced 10-20% as a result of air pollution.

In California, respiratory **illnesses caused or exacerbated by airborne particulate matter** are responsible for 9,300 deaths, 16,000 hospital visits, 600,000 asthma attacks and 5 million lost work days each year, **costing more than half a billion dollars a year.** A recent analysis of **diesel particulate matter** pollution attributed approximately 3,000 premature deaths per year to this pollutant alone, with about 260 of those deaths occurring in the SJV.

Our **national parks, forests, and monuments** suffer from the poor air quality we create with our GHG emissions. Sequoia and Kings Canyon National Parks have been listed as among the five most polluted national parks in the country, and have had the second highest annual average ozone level of any national parks. This poor air quality and often greatly reduced visibility negatively affect **tourism**, not to mention the health of the parks.

Economic development and business recruitment will be difficult in an area plagued by unhealthy air quality. If we do not succeed in implementing programs to reduce emissions from mobile sources, then we will have to reduce the emissions from job-producing stationary sources. If we do not attain air quality standards, then **Federal sanctions may be imposed that limit stationary source expansion (which could make most industrial expansion prohibitively expensive) and withhold highway funds.** The great challenge is to drive less, so we must plan, develop, and manage our communities to make it easy for people to walk, bicycle, or use public transit."

This information should be added here to the Key Terms section or discussed elsewhere in the Air Quality element and must also be included in the Background Report and the EIR. Information about the costs of poor air quality is critical to understanding the issue and to policy-making and evaluating mitigation measures and effective implementation measures. **The EIR and the Background Report are deficient because they contain no discussion of the costs of poor air quality.** (Table 6-1 on page 6-5 of the Background Report does briefly note some of the adverse health impacts of air pollutants.)

Global Warming (p. 9-1): This is a shockingly insufficient and disgracefully misdirected definition of global warming that must be almost completely rewritten in order to make it accurate and relevant. **Please include the following** or comparable statements of findings by the legislature of the State of California, the IPCC, the State Attorney General, and the California Climate Change Center: **"Overwhelming evidence establishes that global warming is occurring and is caused by human activity. Global warming poses a serious threat to the**

economic well-being, public health, natural resources, and environment of California. Temperatures are expected to rise 4.7 to 10.5 degrees by the end of this century. These increases will have serious consequences, including the exacerbation of air quality problems, a reduction in the quality and supply of water, a shrinking Sierra snowpack, an increase of as much as 55% in the risk of large wildfires, increased stress on the state's vital resources and natural landscapes, an increase in human health-related problems (including increased incidences of infectious diseases, asthma, heat stress and heat-related deaths), damage to agriculture (from increasing heat, pests, pathogens, and weeds), wine making, tourism, skiing and other winter recreation, forestry, and fishing, and a potential reduction in hydropower. It will also cause a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, shrinking beaches, and increased coastal floods. **The existence of global warming is indisputable, it is causing significant environmental impacts in California, and it will cause future catastrophic impacts if greenhouse gas emissions levels are not substantially reduced."**

Greenhouse Gas (p. 9-2): Please add this or a comparable statement to aid the reader's understanding of the relevance of this definition: "In June, 2005, the Governor of California issued Executive Order S-3-05, setting emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce emissions to 1990 levels; by 2050, reduce emissions to 80% below 1990 levels. In September, 2006, California's Global Warming Solutions Act (AB32) was signed into law, requiring reduction of California GHG emissions to 1990 levels by 2020. It should be noted that about 80% of California's CO₂ equivalent GHG emissions are emissions of CO₂ from fossil fuel combustion. See page 9-4 for additional information."

Please add to Key Terms on p. 9-2: "Methane. Methane accounts for approximately 5.7% of all GHG emissions in California, and half of the State's methane emissions comes from livestock and manure. Methane is a powerful GHG that has 21 times the global warming potential of carbon dioxide. Livestock and their manure emit GHGs equivalent to 13.2 million tons of carbon dioxide each year in California." [From letter by State Attorney General to RMA, dated 2/26/07, re NOP for Buena Vista Dairy]

Sulfur Dioxide (H₂S) (p. 9-2): Please add: Sulfur dioxide levels are generally highest near large industrial complexes. Exposure to very high levels may cause wheezing, chest tightness, and shortness of breath. Long-term exposure can cause respiratory illness, alter the lungs' defense mechanisms, and aggravate existing cardiovascular disease."

Lead (Pb) (p. 9-2): Please add: "Since the phase-out of leaded gasoline, metals processing is the major source of lead emissions to the air today, with the highest levels generally found near lead smelters; other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Lead can enter water systems through runoff and from sewage and industrial waste streams and is still found at high levels in urban and industrial areas; it deposits on soil and in water and harms animals and fish, and particularly affects young children and infants,

causing learning deficits and lowered IQs. Exposure to lead causes damage to the kidneys, liver, brain, nerves, and other organs, and may lead to osteoporosis and reproductive disorders; it causes high blood pressure and increases heart disease, and may lead to anemia. Excessive exposure causes seizures, mental retardation, behavioral disorders, memory problems, and mood changes. Low levels of lead can slow vegetative growth near lead sources. Wild and domestic animals can ingest lead while grazing, or may ingest it when feeding on animals killed by lead bullets; they experience the same kind of effects from exposure as people do.”

Mobile Source (p. 9-2): Please add: “Mobile emission sources account for a very significant percentage of CO₂ GHG emissions, so we must focus on these sources in our efforts to combat global warming and air pollution. In the San Joaquin Valley, emissions from mobile sources such as cars, trucks and equipment represent almost 70% of the air pollution challenge. In just 20 years, the Valley’s population has grown by 60%, and daily vehicle miles traveled has increased by 150%.”

Nitrogen Oxides (NO_x) p. 9-2): Please add: “The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels (natural gas burning appliances used for space heating, water heating, and cooking are a source of NO_x emissions, and our consumption of electricity also causes pollutant emissions from the operation of power plants fueled by fossil fuels). **NO_x causes a wide variety of health and environmental impacts** because of various compounds and derivatives in the family of NO_x, including **NO₂, nitric acid, nitrous oxide, nitrates, and nitric oxide**. NO₂, a common pollutant, forms, along with air particles, a reddish brown layer that can often be seen over many urban areas. **Ground-level ozone (smog) is formed when NO_x and VOCs react in the presence of sunlight. Children, people with lung diseases such as asthma, and people who work or exercise outside are susceptible to adverse effects such as damage to lung tissue and reduction in lung function. Ozone also damages vegetation and reduces crop yields. Nitric acid affects breathing and the respiratory system, damages lung tissue, and can cause premature death; small particles penetrate deeply into the lungs, causing or worsening respiratory diseases such as emphysema and bronchitis, and aggravating existing heart disease. Nitrous oxide is a Greenhouse Gas, contributing to Global Warming. NO_x reacts readily with common organic chemicals and even ozone to form a wide variety of toxic products, some of which may cause biological mutations. Nitrate particles and NO₂ can block the transmission of light, reducing visibility** in urban areas and on a regional scale in our national parks, forests, and monuments.”

O₃ (p. 9-2): Please add: “Ozone occurs both in the Earth’s upper atmosphere (beneficially) and at ground level (unhealthfully, due to air pollutants). **Ground level ozone affects people of all ages who are active outdoors, and particularly children**, because during physical activity ozone penetrates deeper into the more vulnerable parts of the lungs. Ozone can cause itchy, watery eyes; irritate the respiratory system, causing coughing, throat irritation, and chest discomfort; ozone can reduce lung function, making it more difficult to breathe deeply and vigorously; aggravate asthma; and make people more sensitive to allergens and more susceptible to respiratory infections;

repeated exposure to ozone can permanently scar lung tissue, resulting in permanent loss of lung function and a lower quality of life. Respiratory illnesses, asthma attacks, and impaired lung function and growth lead to emergency room visits, hospitalizations, and premature death. The American Lung Association gave Tulare County a grade of 'F' for ozone pollution in 2007 because the County had 210 days that were rated on the Air Quality Index as 'unhealthy for sensitive groups' (children, active adults, and people with respiratory disease such as asthma) and 29 days that were rated 'unhealthy' for everyone due to ozone levels.

O3 Precursors (p. 9-2): Please add: *"The Federal Clean Air Act mandates us to reduce emissions of ozone precursors by at least 3% per year until air quality standards are attained."* [per SJVAPCD]

Particulate Matter 2.5 Micrometer (PM2.5) (p. 9-2): Please add: "PM 2.5, also known as soot, is expelled from tailpipes, factory smokestacks, farm equipment, agricultural burning, dust, and other sources. Particle pollution includes a mixture of solids and liquid droplets, some emitted directly while others are formed in the atmosphere when other pollutants react. When inhaled, it can penetrate deep into the lungs; it is linked to severe asthma and premature deaths from heart and lung disease. Particle pollution also can increase susceptibility to respiratory infections and can aggravate existing respiratory diseases, such as asthma and chronic bronchitis, and heart diseases such as congestive heart failure and coronary artery disease, and triggers heart attacks, strokes, and irregular heartbeat, increasing emergency room visits, hospitalizations, and premature deaths. Particle pollution is the most dangerous, and deadly, of the widespread outdoor air pollutants. It also reduces visibility and may cause soiling of surfaces."

Particulate Matter 10 Micrometers (PM10) (p. 9-2): Please add: "Particle pollution (particulate matter) in the air includes a mixture of solids and liquid droplets, some emitted directly, others formed in the atmosphere when other pollutants react. Their sources include combustion, industrial and agricultural fumes, and dust. Particles smaller than 10 micrometers in diameter (PM 10) are so small that they can get into the lungs, increasing susceptibility to respiratory infections and aggravating existing respiratory diseases. People with heart or lung diseases – such as congestive heart failure, coronary artery disease, asthma, or chronic obstructive pulmonary disease, when exposed to particulate matter, are more likely to visit emergency rooms, be admitted to hospitals, or even to die. The American Lung Association gave Tulare a grade of 'F' on particulate matter pollution in 2007 because the County had 29 days rated on the Air Quality Index as 'unhealthy for sensitive groups (children, active adults, and people with respiratory diseases such as asthma) and 2 days that were rated as 'unhealthy' for everyone due to particulate matter pollution."

Please add as a Key Term (p. 9-2): "Pesticides. Pesticides are the fourth biggest cause of air pollution, or "smog," in the San Joaquin Valley. Tulare County used more than 17.5 million pounds of pesticides in 2005, the third highest use of any county in California. Pesticides can cause immediate poisoning, cancer, Parkinson's disease, birth defects, sterility, neurotoxicity, and permanent, irreversible damage to developing children; pesticides can

aggravate asthma and other respiratory problems. Over 90% of pesticides used in California drift very easily away from where they are applied.”

ROG (p. 9-2): Please add: “ROG is the abbreviation for Reactive Organic Gases, which result from combustion, industrial solvents, and biological and agricultural sources, including animal waste, agricultural chemical formulations, and other combustion. Dairies are presumed to be significant emitters of ROGs.”

Sensitive Groups (p. 9-3): Please add: “The Valley has the highest child asthma rate in California; up to 1 in 5 Valley children suffer from asthma and up to 1 in 8 adults, and there are more than 1200 premature deaths each year in the Valley due to particulate matter pollution.”

SO2 (p. 9-3): Please note that sulfur dioxide is discussed on p. 9-2 after the heading “Sulfur Dioxide (H2S).” Perhaps that section should be moved to p. 9-3, to go in alphabetical order as Sulfur Dioxide. Note that H2S is not the chemical symbol for Sulfur Dioxide.

Stationary Source (p. 9-3): Please add *agricultural irrigation pumps*, as they are a significant source in Tulare County.

Existing Conditions Overview (p. 9-3): Please add: “*Tulare County exceeded the State PM 10 standard on an estimated 146 days in 2005 and an estimated 156 days in 2006. The American Lung Association gave Tulare County an 'F' grade on its particle pollution, as the County had 29 days that were 'unhealthy for sensitive groups' (children, active adults, people with respiratory disease such as asthma) and two days that were classified as unhealthy for everyone.*” [see CARB website and American Lung Assn.] “Tulare County experiences some of the worst health conditions in the state, with avoidable hospitalizations about 20% higher than the statewide average, including diagnoses of asthma, COPD, congestive heart failure, diabetes mellitus, and hypertension [*Health in the Heartland: The Crisis Continues*]. Our vehicle-oriented development contributes hugely to greenhouse gas emissions and lack of exercise, which lead to medical problems. Our incidence of asthma is as high as one in five affected.”

Existing Conditions Overview (p. 9-4):

PM2.5: Please amend: “Tulare County is in non-attainment with federal standards, *and also exceeded the State 3-year maximum average on 23 days in 2004, 20 days in 2005, and 20 days in 2006 (there is not yet a State standard for PM 2.5).*”

Existing Conditions Overview (p. 9-4, top right-hand column): The problem with the “featured policies and implementation measures” is that while they often sound good (such as by using appropriate terms such as “smart growth” and “healthy communities”) they are far too often vague, weak, and unenforceable; too often they do not even have implementation measures, and far too many of the implementation measures that are presented are not concrete, not measurable, and/or not to be timely effectuated; thus they are unlikely to enable the County to effectively “comply with State law requirements” and to “enhance the quality of life and public welfare of County residents.” Please see comments on individual policies and implementation measures throughout the GPR.

Please clarify, strengthen, and make measurable and enforceable these policies and implementation measures.

Additionally, somewhere in the Air Quality element, perhaps in the Existing Conditions Overview, or else in the policy portion, **the GPR should discuss and address the impacts of agriculture on air quality.** The Air Quality Element deals with Regional Perspective, Transportation Design, Land Use/Design, and Air Pollution Control, but never mentions agriculture directly. SB 700 and the County’s ACFP and its DSPEIR should be mentioned in this Element.

SB 700 states that **“Agricultural operations necessary for growing crops or raising animals are a significant source of directly emitted particulates, and precursors of ozone and fine particulate matter.** These emissions have a significant adverse effect on the ability of . . . the San Joaquin Valley to achieve health-based state and federal ambient air quality standards. . . . **agricultural sources of air pollution still contribute twenty six percent of the smog-forming emissions in the San Joaquin Valley.** In the San Joaquin Valley, a large portion of the sources of particulate emissions are areawide sources whose emissions are directly related to growth in population and the resulting vehicle miles traveled. According to the State Air Resources Board, however, **agricultural sources of air pollution account for over fifty percent of the directly emitted particulate air pollution generated in the valley during the fall, amounting to over 170 tons per day of emissions.**

All parties living or operating a business in an area that has been classified as being a nonattainment area with respect to the attainment of federal or state ambient air quality standards share the responsibility of reducing emissions from air pollutants. . . . It is therefore the intent of the Legislature to . . . to regulate stationary, mobile, and area sources of agricultural air pollution. . . . Each district that is designated as a serious federal nonattainment area for an applicable ambient air quality standard for particulate matter as of January 1, 2004, shall adopt . . . a rule or regulation requiring best available control measures (BACM) for sources for which those measures are applicable and best available retrofit control technology (BARCT) to reduce air pollutants from sources for which that technology is applicable for agricultural practices, including, but not limited to, tilling, discing, cultivation, and raising of animals, and for other source categories by the earliest feasible date, but not later than January 1, 2006.”

Tulare County benefits from agriculture, but agriculture also costs the County. As a significant contributor to our air quality problems, **agriculture must be mentioned in the Air Quality Element, and the GPR must indicate what policies apply to this industry. With well over a million head of dairy cows projected for Tulare**

County in the near future (ACFP DSPEIR, Table 3-14a), the dairy industry alone, just one part of the County's agricultural sector, will have a huge adverse impact on our air quality.

AQ-1.3 Cumulative Air Quality Impacts (p. 9-4): If the County indeed will "require developments to be located . . . in a manner that would minimize cumulative air quality impacts", then the County must restrict new development to within existing UDBs and HDBs and require new development to be concentric, compact, mixed-use, and resource-efficient. **Please revise accordingly.**

AQ-1.4 Air Quality Land Use Compatibility (p. 9-5): Please add: *"In order to promote compliance with the requirements of AB32, and to protect the health and welfare of its residents, the County shall strongly discourage industrial or other developments which are likely to cause undesirable air pollution, and shall concentrate on attracting industrial and other developments that will cause minimal air pollution."*

AQ-1.6 Purchase of Low Emission/Alternative Fuel Vehicles (p. 9-5) and IM #8: Please change "encourage" to "shall." Surely this is one thing the County can do immediately to mitigate air quality problems, reduce GHG emissions, set a good example, and save on fuel costs. The IM says only that the County will conduct a periodic review of its existing hybrid and alternative fuels vehicles; the timeline is Ongoing. Since most of the County's few hybrid/alternative fuel vehicles appear to have been purchased in 2001 and 2002 (per its draft Facilities Impact Fee study), presumably the ongoing periodic reviews have already revealed whether the performance and maintenance characteristics of these vehicles have proven satisfactory. Frustratingly, this Policy and its IM, so typically, do not commit the County to any concrete, enforceable, measurable plan of action to achieve an important goal. **Recommendation: As a minimum, the County should adopt SJVAPCD Policy 20 (County fleet vehicle operators shall replace or convert conventional fuel vehicles with clean fuel vehicles as rapidly as feasible) and its three implementation strategies, from the SJVAPCD's "Air Quality Guidelines for General Plans" (revised June, 2005). This document (although with a 2003 date) is referenced on p. 6-9 of the Background Report. It contains 34 recommended policies for counties to adopt, a number of which Tulare County has included in the GPR.**

AQ-1.7 Support Statewide Global Warming Solutions (p. 9-5): Please revise this very vague and confusing statement, which seems designed to obfuscate and avoid the issue. The CARB has already formulated and published numerous mitigation strategies (many of which have been obvious for years and promulgated by many other sources) that may be implemented by local government. The time has passed for the County to simply "consider" them. The County must resolve to implement as many of them as it feasibly can as fast as it possibly can, in order to comply not only with AB32, but with the priorities of its populace, and with its responsibility for promoting the health and welfare of its citizens. We need a General Plan with strong, clear policies and concrete, measurable, enforceable, timely implementation measures to accomplish this.

AQ-2.2 Indirect Source Review (p. 9-5): Please include in the list of mitigations what is perhaps the most important one: *“Locating, preferably as infill, adjacent to existing development, jobs, infrastructure, schools, and services so as to minimize necessary VMTs.”*

AQ-2.3 Transportation and Air Quality (p. 9-5) and IMs #9 and #10 (p. 9-9): Please amend: “Some possible alternatives that *have been studied* are” Is it correct that all of these alternatives have already been comprehensively studied? It’s time for implementation to the degree that we can fund it. If we can’t fund it, the County should be actively seeking funding. The IMs are both shown to be “ongoing.” **IM #9 provides no concrete, measurable implementation plan, and IM #10 sounds like something that could be accomplished in about a week** (type the letter, enclose a response form, identify the major employers, mail the letter, follow up with a phone call ?); the Resolution information indicates that this idea has been here since 2004.

AQ-3.1 Location of Support Services (p. 9-6): This is a good idea, but the Policy is too vague (“encourage;” how? when?) to be meaningful, and it has no implementation measure. **Recommendation:** the County should immediately begin to promote infill development through tiered developer impact fees and/or other incentives (including mitigation fees for non-infill greenfield development) and through strict enforcement of UDBs and HDBs. The County must adopt all feasible measures to reduce VMTs and GHGs and reduce global warming impact, and this would be one of them.

AQ-3.2 Infill Near Employment (p. 9-6) and IM #12: Identifying opportunities doesn’t make infill happen. Please strengthen this Policy to state concretely what the County will do to actually, measurably increase infill development and reduce vehicle trips. The IM states that the County will identify these opportunities by identifying opportunities in community [plan?] updates, hamlet plans, and redevelopment plans over time. The community and hamlet plan processes are extremely lengthy and rare occurrences. **The County should implement tiered developer impact fees and/or other incentives** to cause every applicant for new development to seriously consider infill as the more cost-effective option, as mentioned in the preceding comment.

AQ-3.3 Street Design (p. 9-6): Here is yet another “good idea” Policy that is too vague (“promote”; how? when? What kind of design?); please clarify and also provide a specific Implementation Measure. **Recommendation:** the County should require new development to be based on a small-block traditional grid street system to promote walking and biking and reduce VMTs.

AQ-3.4 Landscape (p. 9-6): Same comment as the preceding (but substitute “encourage”). Please include that the landscaping must be drought tolerant and incorporate a high percentage (over 50%) of native plants.

AQ-3.5 Alternative Energy Design (p. 9-6) and IM #13: Here the County has a **Policy to “encourage” implemented by an IM only to “encourage.”** Mandating energy-efficient and water-efficient design are key methods of reducing GHGs and addressing global warming impacts and complying with AB32. Yet there is nothing concrete or measurable in this IM. **PLEASE** put meaningful green building requirements in place before the end of this year to begin accomplishing these key objectives.

AQ-3.6 Mixed Land Uses (p. 9-6): This worthy **Policy is rendered almost meaningless by “encourage” and no IM.**

AQ-4.1 Air Pollution Control Technology (p. 9-6) and IM #14: What BACM and RACM measures have been adopted by the County so far? What determines whether these measures are “appropriate” to new development? The IM says that implementation of this Policy is Ongoing, but, given its air quality problems, clearly, **the County must implement much more stringent measures, especially in the face of the tremendous growth and additional VMTs projected under the General Plan,** if it is to meet air quality standards, protect the health of its citizens, and comply with AB32.

AQ-4.2 Dust Suppression Measures (p. 9-6): In the Matrix, p. 215, it was requested that this Policy be changed from requiring “contractors” to requiring “anyone engaged in earth moving” to implement dust suppression measures. The County responded by changing this to “developers,” and stating that the County “does actively require contractors and permit holders to implement dust suppression measures in accordance with SJVAPCD standards.” We applaud the County’s positive activity in this respect. **We are glad to see that the SJVAPCD standards are being echoed and emphasized here in the GPR. We believe that this emphasis should extend beyond developers to all significant dust-producers, including agriculturists. Please include a Policy regarding agricultural dust suppression measures.**

AQ-4.3 Paving or Treatment of Roadways for Reduced Air Emissions (p. 9-6): Please eliminate “where feasible” in the first sentence; logically, if you can get the equipment in there to create a road, you can get the equipment in to pave or treat the road. **Please clarify** the second sentence, which implies that there could be new projects that will never have to pave their roads. **Please require all new projects to pave their roads and to establish permanent funding for their maintenance.** Unpaved roads are a major source of deadly particulate matter pollution (and may also contribute to dispersal of Valley Fever spores). Requiring all roads to be paved could contribute to better air quality and to better visibility (also important to tourism).

AQ-4.4 Wood Burning Devices (p. 9-6): It is heartening to see a Policy in which the County actually “requires” a beneficial action. The second sentence, however, is still only a “promote,” **which is too vague, and the referenced IM (#15) deals with treating roads to reduce dust impacts. Please add a concrete IM with a near-**

term implementation date. The County already has a lot of “no burn” days; these are necessary, but the rule is very hard to enforce, especially at the level of individual homes. **Recommendation: the County should disallow wood-burning fireplaces and stoves in any new construction.** I hate to say this, because of the romance and tradition of fireplaces and woodstoves, but fireplaces and woodstoves (even EPA Phase II certified) produce orders of magnitude more particulate matter than well-tuned gas devices producing equivalent heat, and, given the exigencies of the County’s air pollution problems, its need to protect the health and welfare of its citizens, and its need to comply with AB32, wood-burning devices probably have to become a thing of the past, unless we can hugely reduce California’s population. The more of us there are, the greater our cumulative impact, the more we must restrict our wonted freedoms. The Matrix, p. 216, #12, rejected a previous comment’s recommendation to ban fireplaces and woodstoves, stating that the County will comply with State law and SJVAPCD rules. **Since the County is, presumably, already complying with State law and SJVAPCD rules and nevertheless is far too often failing to meet State air quality standards, then, obviously, the County must implement more stringent policies and implementation measures of its own.** Of course, **agricultural burning** probably contributes more emissions and particulate matter than all the residential burning put together, and agricultural burning is not mentioned here. **Recommendation: a new Policy should be added to prohibit agricultural burning (unless some defined emergency condition exists).**

AQ-4-5 Public Awareness (p. 9-7): The Policy is vague (“promote,” with no indication of when or how) and has no IM; please provide clarity and a concrete IM. A good place to start walking this talk would be right here in the General Plan update, which is not getting anywhere near describing the seriousness and extent of the County’s existing pollution problems, in a way that will promote public awareness and understanding, enabling the community to realize and support the fact that the County must take concrete (and not easy) steps to remedy a dire situation that will exacerbate and will be exacerbated by global warming.

AQ 9.6 Implementation Measures (pp. 9-8 and 9-9): In addition to the specific comments above, it must be noted that of the 15 IMs listed for effectuating improvement in the County’s air quality, all but two are shown as “ongoing.” Only IM #3 (investigate feasibility of incentives for air quality sensitive development – scheduled for implementation sometime between 2010 and 2015, although adopted by resolution in 2004) and IM #5 (develop standard methods for determining and mitigating air quality impacts, with a 2007-2010 timeline) appear to be new, and the timeline for IM #3 indicates no sense of urgency. The Matrix states (p. 216) that IM #3 is a Board-adopted RACM (apparently in 2004), yet, per the timeline, it may not be implemented until 2015, almost 10 years after adoption. As improving air quality is a top priority of residents, is essential to public health, is very important to tourism, is a top priority (in terms of GHG emissions) in mitigating global warming, is required by the Federal and State governments, and is being given a big push by the need to comply with AB32, **the County’s commitment to meeting these critical goals as evidenced in these implementation measures seems shockingly half-hearted, lackadaisical, and dilatory.** As mentioned before, CARB and numerous other organizations publish long lists of

positive actions that the County could take right away to address its air quality problems, and many counties have already implemented many of them, so we have a wide path to follow. **Recommendation: the County should adopt by resolution and implement through strong, clear policies and implementation measures all applicable CARB mitigation measures (incorporated by reference herein) by the end of 2008. Recommendation: the County should herald its commitment and leadership by joining other counties across the nation in the Cool Counties partnership.**

Consistency Question: On Matrix p. 218 (top), RMA states, with regard to methyl bromide, that “**the County can and has imposed requirements beyond the minimum required** by State law.” However, in response to a suggestion that the County adopt a Policy to implement agricultural dust suppression measures (Matrix, p. 217), RMA’s response was that “the SJVAPCD currently regulates these issues.” Please advise what the criteria are for the County to reiterate or even exceed the requirements of State law or SJVAPCD or other agency’s regulations. We would like to see much better control of agricultural dust and burning, to reduce pollution, GHG emissions, and haze, and to mitigate global warming.

Recommendation: the County should include in the GPR policies limiting agricultural dust and burning, either reiterating the requirements of the applicable law or regulation, or, preferably, imposing requirements beyond the legal or regulatory minimums. (Why does the GPR address development dust impacts, but not agricultural dust impacts?)

AIR QUALITY – BACKGROUND REPORT (BR):

The source for **Table 6-1 State and National Criteria Air Pollutant Standards, Effects, and Sources (p. 6-5)** shows as its source <http://www.arb.ca.gov/aqs/aaqs2.p>. We cannot find the data via this address. We were able to find the Ambient Air Quality Standards (CARB, 02/22/07) at arb.ca.gov/research/aaqs/aaqs2.pdf. Please ensure that the BR correctly shows how to find the source information, and that Table 6-1 shows the 02/07 standards (since the BR is dated 12/07).

The Background Report (p. 6-9, top paragraph) refers to the SJVAPCD’s “Air Quality Guidelines for General Plans” (2003); these guidelines were revised in June, 2005. The guidelines (p. 1-1) emphasize that “To obtain full benefit from these adopted goals and policies, cities and *counties must proceed rapidly with strong implementation programs*” [emphasis added]. “The District’s plans to attain state and federal air quality standards *rely on local government to implement control measures that reduce emissions . . . to reduce vehicle trips and miles traveled, to increase average vehicle ridership, or to reduce direct emissions from vehicle activity . . .*” (p. 1-2). “. . .to persuade San Joaquin Valley residents to drive less . . . *we must change the way we plan, develop, and manage our communities to make it easier and more attractive . . . to use transit, bicycle, or walk.*”

Policies that promote compact development and efficient infrastructure minimize infrastructure costs, preserve natural or agricultural lands, and achieve air quality benefits by reducing vehicle trip lengths and improving the potential for transit service (p. 1-8). “*Implementation of the strategies with actual programs is the*

real key to air quality improvements” (p. 1-9). Land uses that “are supportive of walking, bicycling, and transit can achieve long range trip reduction of 8 to 10 percent on a regional basis and more than 20 percent on a project basis,” assuming that new development will be served by an efficient transit system. Trip reductions equate roughly to emission reductions” (p. 1-9). The emphasis is on” local actions to reduce vehicle trips, reduce vehicle miles traveled, and increase average vehicle ridership” (p. 1-10).

As illustrated specifically throughout these comments, **the County has too often not responded to the necessity of writing firm, clear policies and concrete, measurable implementation measures with actual programs that will enable the County to make milestone progress on reducing its GHG emissions and improving its air quality.**

Existing Emission Sources (Background Report p. 6-10): It is misleading to state only the good news that emission levels in the valley have been decreasing overall since 1990 due to motor vehicle emission controls without mentioning the bad news that due to huge population growth since 1990 (Tulare County has added about 100,000 people since then) and the fact that increase in VMTs is proportionately exceeding increase in population, “this growth is overwhelming our hard-won progress and may cause overall mobile source emissions to begin increasing early in the next decade. This is unacceptable considering that the federal Clean Air Act mandates us to reduce emissions of ozone precursors by at least three percent per year until air quality standards are attained. Any slack created by increases in motor vehicle emissions must be made up from job-producing stationary sources, or we will face the consequences of federal actions to reduce emissions” (p. 1-4, SJVAPCD, “Air Quality Guidelines for General Plans”). In addition, AB32 requires us to further reduce emissions.

This information should be included in this section of the Background Report, to provide a better balanced view of this critical issue. Likewise, the next paragraph in this section of the BR states that our PM10 emissions decreased between 1975 and 1995 and has been relatively constant since 2000. **The County still exceeds the State standard for these dangerous particulates on an average of about 150 estimated days per year, as should be noted here.**

Air Quality Monitoring and Existing Emission Levels (BR p. 6-10): This mentions three monitoring stations in Sequoia National Park; it should be revised to note that the Lookout Point station is no longer active. It also should be noted that the Visalia Airport station is not a CARB site, and no data from it are available on the CARB website.

Table 6-2 – Selected Air Quality Monitoring Data (BR p. 6-10): This Table is defective and misleading. Please correct it per the comments above in the Overview section, near the top of this comment letter.

The Air Quality section of the Background Report is also defective in terms of providing sufficient background information because it does not provide information regarding the significance and consequences of the County’s poor air quality. It addresses the health impacts of air quality in only the most cursory way

(in Table 6-1 on p. 6-5), saying nothing about the County's high asthma rates, its high hospitalization rates, its exceedance of the State PM10 standards on an estimated half the days of the year, its typically well over a 100 days per year (210 days in 2007) when its ozone pollution makes breathing its air unhealthy for sensitive groups (a very large percentage of the population – the young, the old, those with heart and lung problems). It never even mentions **global warming**. It doesn't address the **economic costs (beyond health care and emergencies) of our poor air quality**. It never talks about **WHY** we have all these organizations and regulations trying to deal with Air Quality: it has a gigantic impact on our quality of life (including shortening our lives) and if we don't substantially reduce our GHG emissions starting right away, we will face serious impacts from global warming.

The Background Report must disclose these facts as well, because it currently gives only a small part of the picture and doesn't give the reader a good understanding of the significance of the issue and a means to analyze what should be done in response to it.

The Air Quality section of the BR (pp. 6-15 – 6-17) describes three County Resolutions adopted in 2002 and 2004 in response to legislative requirements and designations. It does not state whether RACMs adopted were actually carried out and what effect they had on the air quality problem. Many of the RACMs are so vague that they cannot be measured or enforced. Several of them (e.g., "supporting," "exploring concepts of Livable Communities," "consideration of incentives") appear to have advanced little beyond the stage of being adopted, as they now are written just as vaguely as Implementation Measures in the current GPR. The Background Report should not simply describe these Resolutions, but should analyze their effectiveness in terms of the results they have achieved, to enable the reader to better evaluate the likely effectiveness of the mitigation measures described in the DEIR.

Draft Environmental Impact Report (DEIR) Section 4.4 Air Quality and Global Climate Change (p. 4-43 ff): The DEIR is deficient, like the Goals and Policies Report and the Background Report, because it does not disclose and evaluate the effects of the County's air quality problems and GHG emissions on the physical and economic health of the County, nor does it disclose and evaluate the reasonably foreseeable effects of the build-out of the GP update in this area. It provides regulatory background on global warming, but very little directly applicable and relevant scientific information. It does not assess the project's contribution to climate change through an emissions inventory (the last page of the DEIR presents air quality data for mobile emissions, but provides no analysis or assessment of the data), nor does it assess the effect of climate change on the project and its impacts. It does not provide the public and decision-makers with sufficient facts and clear analysis to confidently determine that the necessary relevant issues and their impacts have been covered.

Methodology (p. 4-47): The first sentence states that **the GP Update "will allow planned development to occur within both developed and undeveloped portions of the County," and that the" buildout will ultimately be market driven."** The GP update will not only allow development to occur in undeveloped portions of the County,

the update currently urges such development by providing for new towns and new growth corridors in greenfield areas.

Market-driven development has produced the sprawling, resource-intensive, automobile-driven, highly polluting developed environment that we are living in today. This type of development cannot be sustained in Tulare County. It is also misleading to term it simply “market-driven,” in that those who profit from the market also drive the market through intense advertising and a reluctance to change. In order to meet the challenges of global warming and to provide for a sustainable future, we must shift the paradigm, and responsible, healthy growth policy must drive the market, steering it in the right direction until that becomes the norm. We already have more than enough inefficient development. **Now we must require development to be as resource-efficient as possible. The DEIR must present a Healthy Growth Project Alternative to address this need.** The first paragraph under Methodology (p. 4-47) states an assumption of a year 2030 buildout, but the fourth paragraph says that the dairy and feedlot associated emissions model assumes buildout by year 2020. **Please state how these are to be reconciled.**

AQ Impacts and Mitigation Measures (p. DEIR 4-49 ff)

Impact AQ -1 “The GP Update would result in a cumulatively considerable net increase of air pollutants. Future growth . . . would exceed the SJVAPCD thresholds for ROG and PM-10.”

AQ-1 Impact Summary (DEIR p. 4-49): Incredibly, the Level of Significance Before Mitigation is rated as “Potentially Significant.” Given that ALREADY the County’s air quality is rated the worst or near the worst in the nation, and this is BEFORE we add the proposed 200,000 additional people and their vehicles and their energy consumption and the additional confined animal facilities, and all the new construction, and global warming impacts, **it is inevitable, unless drastic and immediate changes are made, that under the GP update buildout our air quality and GHG emissions will only become much worse.** Therefore, **please change this rating to “Without a Doubt Extremely Significant”** or whatever the appropriate rating is for that dire condition. **Please change the Level of Significance After Mitigation to “Extremely Significant” also. The DEIR provides no basis for evaluation and comparison of our baseline air quality situation, the situation as projected without mitigation, and the situation as projected with mitigation, leaving the reader to rely on common sense.**

Impact AQ-1 Construction (DEIR pp. 4-49 and 4-50): Please revise the first sentence to make it more accurate: “Construction activity that would occur over the next 23 years . . . would cause *emissions on at least five days per week every week during typically at least an eight hour period on each of those days of various air pollutants.*” Given that the County projects a population increase of well over 200,000 during the GP period, it is obvious that construction activity will be ongoing, causing much more than temporary, short-term emissions.

Impact AQ-1 Operation (DEIR, p. 4-50): The first sentence states that **operational impacts would primarily result from local and regional vehicle emissions generated by future population growth and dairy and feedlot**

development . . .” Two new Policies (AQ-4.6 and AQ-4.7 on DEIR p. 4-52 ff) have been declared to be required to address the dairy and feedlot operations. It is encouraging that the County is addressing the dairy/feedlot issues, which have become so extreme that concerned citizens groups have had to sue the County about them. However, astonishingly, this AQ chapter does not address vehicle emissions with new policies, even though they are the chief source of much of our air pollution and GHG. **The AQ Mitigation Measures are deficient because they do not strongly and specifically address vehicle emissions.**

Impact AQ-1 Table 4-2 Operational Emissions (DEIR pp. 4-50 and 4-51) This Table does not specifically address GHG emissions and the significance of their huge increase under the GP update.

Please include here a Table that specifically addresses this enormous impact. Furthermore, presenting the significance of the huge increases in the emissions listed fails to provide the information that the public and decision-makers need to meaningfully analyze the effect of the increases and the need to mitigate them.

Please include the necessary information regarding current impacts on human and environmental health, economic impacts, and global warming impacts, and then project these impacts based on the emissions increases shown (e.g., increase in asthma rates and other respiratory diseases, increase in number of days when exercising outdoors would be harmful, increase in health care costs, increase in crop losses, increase in number of days over 100, decrease in snowpack, etc.); this information could be presented in a Table also.

Table 4-2 footnote b (DEIR p. 4-51): These emission factors “assume a cleaner mix of vehicles as older, more polluting vehicles are retired” and thus “calculated reductions in future year emissions.” However, given that **VMTs are expected to increase at a much greater rate than population increase, the increased VMTs are predicted to wipe out the gains made by lower emissions per vehicle.**

The policies that would minimize the cumulatively considerable net increase of air pollutants (DEIR p. 4-51) are discussed in more detail above, individually and in general. Please incorporate those comments by reference to this section. **As written, these policies and their implementation measures are likely to do very little to minimize this impact, as they consist mostly of policies too vague to be meaningful (“support,” “promote,” “encourage,” “study,” “consider”). Many of them have no implementation measures at all. The implementation measures that exist are generally not concrete or measurable, and are often “ongoing.”**

Given our air quality problems and the advent of global warming and the necessity to comply with AB32, **these policies and their implementation measures will not suffice to mitigate this impact, and they must be clarified, strengthened, and made measurably enforceable and effective.** The statement on DEIR p. 4-51 that even with the policies’ implementation, this impact is considered “potentially significant” seems preposterous, since most of these policies’ implementation measures are stated to be “ongoing” and our air quality is terrible. Therefore, **please delete the “potentially” from the “potentially significant.”**

Impact AQ-1 Required Mitigation Measures (DEIR p. 4-52): This section includes a list of **AQ-4.6 PM-10 and PM-2.5 Reduction Measures for Dairy and Feedlot Operations**, which “are required” to address this impact. Please explain how these “required” measures will be added to the GPR. None of these appear in the current GPR. **The introduction states that the new measures will have to be implemented as part of “all dairy operations.” However, the first bullet states that the FDECP has to be submitted only with applications for “new or expanded” dairies and feedlots.** Please clarify this information. If only new or expanded operations have to comply with SJVAPCD fugitive dust emissions control requirements via a FDECP, please state **what will regulate this problem on existing dairies and feedlots.** Likewise, the last bullet requires only new or expanded dairy/feedlot applications to conduct AERMOD dispersion analysis using the referenced threshold. Please explain how analysis will be conducted on existing dairies/feedlots. Also, this bullet addresses apparently only PM-10 analysis, but PM-2.5 is even more dangerous. **Please explain the provision for PM-2.5 analysis.**

This section also discusses **AQ-4.7 ROG Reduction Measures for Dairy and Feedlot Operations (DEIR p. 4-53).** The first sentence states that “the County shall ensure that dairy operators implement the . . . measures as part of all dairy operations.” Certainly these measures should apply to all dairies. However, the first bullet refers to compliance with SJVAPCD Rule 4570; this Rule appears to be applicable only to dairies with over 1000 milking cows and only to feedlots that have over 3500 beef cattle (per the SJVAPCD website). **Please clarify whether the County will ensure that ALL dairy operators (and feedlot operators and all operators of confined animal facilities) will be required to implement the listed measures.** Furthermore, no implementation measures are provided to state when and how the County will enforce these two new policies. **Please include these implementation measures, so that the efficacy of the proposed mitigation measures can be evaluated.** Some of these measures have been available for several years (e.g., feeding in accordance with NRC guidelines of 2001, fugitive dust emissions rules adopted in 2001 and subsequently amended, lagoon regulations since 2003). **Please explain whether their efficacy as mitigation measures has been assessed, and what impact they are expected to have.**

The last bullet on this page states that “**Manure water shall be either injected subsurface or placed on the surface in thin layers, blending such manure water with irrigation water . . .**” Given Tulare County’s impending crisis in water supply and its many problems with water quality, which will be exacerbated by global warming, **this mitigation measure for ROG would seem to worsen our water problems.** Tulare County should carefully analyze the complete long-range costs and benefits of permitting any more dairies; **trying to solve our air quality problems by worsening our water problems doesn’t make sense.** Page 4-54 (first paragraph) states that these new policies “shall be implemented . . . under all future dairy or feedlot development projects,” but does not say how or when. **Please clarify this and also state what will be done to address air quality issues on existing dairy and feedlot operations, since Tulare County, as of 2006, already had over 835,763 dairy cows and 334 dairies.**

Recommendation: The County should implement a moratorium on permitting any new dairies or expansions of existing dairies until it can verify whether implementation of these new policies will sufficiently mitigate the problems with air and water quality being caused by confined animal facility operations. The County should also consider the impact of these operations on the County's soil resources. For health and sustainability, the County should permit new dairies only under the condition that they must achieve and maintain organic certification. Failure to comply will revoke the permit.

The first paragraph on DEIR p. 4-54 states that AQ-4.6 and AQ-4.7 will be implemented; **please state when these policies will be implemented and provide them with enforceable, measurable implementation measures.** The next sentence states that "depending on the feasibility and level of implementation as applied to individual projects . . . the inclusion of additional trip reduction measures would help to further reduce vehicle-related emissions." **What additional trip reduction measures?** Given that vehicle emissions are the leading source of GHG emissions, the County should implement every feasible trip reduction measure available and should vigorously apply these measures to the degree that they can be applied to all projects.

NOTE: The measures outlined in AQ-4.6 PM-10 and PM-2.5 'Reduction Measures for Dairy and Feedlot Operations' (DEIR pp. 4-52-53) and AQ-4.7 "ROG Reduction Measures for Dairy and Feedlot Operations" (DEIR pp. 4-53-54) include most of the measures outlined in the **Draft supplemental Program EIR – Phase I Animal Confinement Facilities Plan (pp. 2-6 and 2-7)**, but seven of the new recommended policies in the DSPEIR are **NOT included** in the GPU DEIR or GPR. **Please explain why those seven recommended policies have been omitted, and please include them in the form of one or more new policies (as in the case of AQ-4.6 and AQ-4.7):**

1. Idling time of onsite project farming and dairy operations equipment shall be minimized.
2. All onsite equipment shall be properly tuned and maintained in accord with manufacturer's specifications.
3. Whenever feasible, alternative-fueled or electrical onsite equipment shall be utilized.
4. Minimum practicable onsite engine sizes shall be used.
5. Onsite gasoline-powered equipment shall be equipped with catalytic converters.
6. Employees will be encouraged to carpool to and from the project site.
7. Trees shall be planted around the dairy facilities site.

Please explain why in the DEIR (p. 4-52) these new policies (AQ-4.6 and AS-4.7) are described under the heading "*Required Mitigation Measures*" when the DSPEIR (p. 2-6) states that "The following new recommended policies, if adopted by the County and included with the existing policies of the ACFP will become regulatory requirements. . . . *These requirements are not considered mitigation measures . . .*" **Please see also and incorporate** by reference in this section the comments above regarding Goal AG-3 "Animal Confinement" (GPR p. 4-6).

Impact AQ-2 The GP update would not conflict with or obstruct implementation of an applicable air quality plan (DEIR p. 4-54 ff)

AQ-2 Impact Analysis (DEIR p. 4-55): This page lists over 30 policies in the GPR that would minimize the impact, and states that even with their implementation, the impact is considered “potentially” significant. Please see our specific comments on these policies and their implementation measures above in this document and incorporate them by reference in this section. Again, almost all of these policies and their implementation measures (where there are any) are vague and weak; they must be clarified and strengthened so as to be enforceable and produce measurable results that will produce mitigation. Even with their implementation, this impact must be considered “*indisputably* significant,” NOT “potentially” significant.

Impact AQ-2 Required Mitigation Measures (DEIR p. 4-55): These measures are exactly the same as for Impact AQ-1; our comments for AQ-2 are therefore the same as the comments on AQ-1; please incorporate them here by reference.

Impact AQ-3: The GP Update would expose sensitive receptors to substantial pollutant concentrations (DEIR p. 4-57 ff). Most of the above comments on the preceding AQ Impacts and policies and implementation measures and required mitigation measures apply equally to this one and are incorporated in this section by reference.

AQ-3 Impact Analysis (DEIR p. 4-58): This analysis raises additional concerns (over and above those noted per the preceding paragraph) because not only will the GP update produce a huge increase in traffic on existing County roads, but it is urging extensive new development areas directly beside highway corridors, where emissions of Toxic Air Contaminants (TACs) such as diesel particulate matter are concentrated, thereby promoting exposure of residents and visitors to these TACs. People working in the businesses to be located next to the highways will be chronically exposed to DPM, risking carcinogenic and non-carcinogenic health effects.

Recommendation: The County should limit new development to within existing development boundaries and should not implement highway growth corridors.

Impact AQ-4 Objectionable Odors (DEIR pp. 4-61 ff)

For policies cited in this section, please see our detailed comments above on these policies and their implementation measures in the GPR, incorporated by reference to this section. Please incorporate by reference herein our comments already made on AQ-4.7.

AQ-4.8 Odor Management Plan (DEIR p. 4-64): This policy does not appear in the GPR. Please explain how and when this policy will be implemented. The Policy applies only to new or expanded dairy or feedlot operations. There are already well over 350 existing dairies and feedlots in the County. Please explain how odor will be

required to be managed on these existing operations. This policy singles out dairy and feedlot operations. Please explain how odor will be required to be managed on other confined animal facilities in the County. No implementation measure is provided for this new policy.

Please provide a specific, measurable implementation measure with a short timeline for its effectuation, so that this new policy can go into effect promptly. This section of the DEIR should explain how odor impacts are currently measured and then describe how the proposed mitigation measures will affect those impacts. For example, if one measure of adverse odor impacts is the number of complaints received per year, how much would these be likely to be reduced by implementation of this policy?

Impact AQ-5 Conflict with Implementation of State Goals for Reducing GHG and Negative Effect on Global Climate Change (DEIR pp. 4-64 ff)

Impact AQ-5 Impact Summary (DEIR p. 4-65): Please change the Level of Significance Before Mitigation to “*Definitely* Significant,” or a similar indication, because the level is extremely significant now and will surely increase as, under the GP, the County’s population, confined animal operations, and vehicle miles traveled increase and are mitigated only by policies as weak and unenforceable as those listed on DEIR p. 4-65 and 4-66. Please incorporate by reference herein the detailed comments above on these policies and their implementation measures as they appear in the GPR. Please also incorporate into this section by reference the detailed comments above on AQ-4.7.

AQ-4.9 Greenhouse Gas Emissions Reduction Plan (DEIR p. 4-67 and p. 4-68): Please state when the County will develop its GHG Reduction Plan. The Plan should also project the GHG emissions level for the project build-out year of 2030. AB32 was enacted in 2006, requiring California to reduce its levels of GHG emissions to 1990 levels by 2020. To do its part in meeting this urgently important requirement, **Tulare County should commit to reducing its GHG emission levels to 1990 levels by 2020.** The County has done little in its GPU documents to uncover, analyze, and fully disclose the reasonably foreseeable effects on the environment of the GP project.

The DEIR contains some statistical tables (Table 4-2, DEIR p. 4-50*; Table AQ-1, DEIR p. D-1; and Table AQ-2, DEIR p. D-2), but they are incomplete, covering only mobile onroad vehicle emissions and dairy and feedlot emissions. **They must be expanded to include current and projected data for offroad mobile vehicles and for the multitude of stationary sources beyond dairies and feedlots (e.g., industrial, residential, landfills, other agricultural, etc.).**

The DEIR should discuss and analyze what the projected emissions increases will mean to quality of life, health, and the economy in Tulare County. The EIR has failed to comply with AB32 because it has failed to prepare a GHG Emissions Reduction Plan as part of the GP update and it has failed to adopt all feasible measures to mitigate the adverse impacts of the GP update. The mitigation measures presented in the DEIR to mitigate air impacts include measures already required by the SJVAPCD (e.g., SJVAPCD Rule 4570 regarding confined animal facilities).

Far too many of the County's policies addressing air quality are vague and unenforceable ("encourage," "support," "consider") and their implementation measures are too often absent or else not concrete or measurable, as discussed in detail above. **We urge the County to expeditiously develop and implement a strong plan to reduce its GHG emissions; time is of the essence.**

NOTE: Table 4-2 (DEIR pp. 4-50 and 4-51) states that its "Dairy and feedlot emissions are from the Tulare County Draft Phase I Animal Confinement Facilities Plan Supplemental Program EIR (Jones and Stokes, 2006)." However, **the figures in Table 4-2 do not match those in Table 3-7a Summary of Existing and Future Emission Rates from Tulare County Dairies or Table 3-7b Summary of Existing and Future Emission Rates from Tulare Dairy Feedlots (DSPEIR, following p. 3-24), nor those in Table 3-13a San Joaquin Valley Air Basin Existing Dairy Emissions or Table 3-13b San Joaquin Valley Existing Beef Cattle Emissions (DSPEIR, following p. 3-52), nor in Table 6 Tulare County Dairies: Summary of Existing and Future Emission Rates (following DSPEIR p. D-6), nor Tables 8, 9, 10, or 11 (immediately following).**

Please clarify exactly where in the DSPEIR the figures come from, and reconcile any discrepancies between the information in the GPU DEIR and the DSPEIR for the ACFP.

10. HEALTH AND SAFETY

p. 10-1: The introduction to this Element should note under **Existing Conditions** that **air quality and water quality are also sources of significant health concerns in Tulare County** and that these are addressed in Element 9 – Air Quality and Element 11 – Water Resources.

p. 10-2, 2nd paragraph in discussion of flooding: This paragraph should **include the information** that in 1998 Earlimart was flooded and Highway 99 was closed; the flooding that occurred in 2006 in Cutler-Orosi, which the Governor declared an extreme emergency, was due to levee failures.

p. 10-2, 3rd paragraph: This paragraph should **include the following information** from the Background Report: **"Vegetation fires comprise the majority of fires in Tulare County; most are caused by human activities involving motor vehicles and equipment, smoking, arson, and debris burning.** Communities are increasingly concerned about wildfire safety as increased development occurs in the foothills and mountain areas, and subsequent fire control measures have affected the natural cycle of the ecosystem.

The creation of residential parcels in these areas has compounded the potential for property damage from fires and has significantly complicated firefighting responsibilities in the area. Foothill and mountain subdivisions have also virtually eliminated prescribed burning as a means of fire suppression. Conditions of the County's 16 fire stations range 'from excellent to poor,' with many identified as inadequate for housing fire equipment, and response times have increased due to rapid growth without a correspondent growth in fire protection facilities and staffing. Therefore, as the County continues to grow, the risks of injury, loss of life, and property damage will also increase. Lack of funding is the main obstacle to improving fire protection."

[Please implement developer impact and mitigation fees ASAP; here's another example of why they're so much needed.]

HS-1.3 Hazardous Lands (p. 10-2): Please clarify and explain: should this Hazardous Lands designation apply to all riparian areas and the areas subject to flooding from levee failures, such as Levee Districts I and II on the St. Johns River?

HS-1.12 Addressing (p. 10-3): This important safety policy is too vague to be meaningful (how will the County "seek to expand" this Ordinance?) and its Implementation Measure (IM #7, p. 10-11) is too far in the future (2010-2015). **Please modify this Policy and IM accordingly.**

HS-2.3 Hillside Development (p. 10-3): This is a good new policy, important for soil conservation, aesthetics, habitat, and lessening runoff and erosion. **Please change "discourage" to "prohibit" and add an Implementation Measure** so that this Policy will be enforceable.

HS-2.6 Seismic Standards for Dams (p. 10-3): Please clarify this Policy; "shall continue to address" is too vague to be meaningful. **Please provide an Implementation Measure** for this Policy to make it measurable and enforceable. The Background Report (pp. 8-14 and 8-15) states that **two major dams and many smaller dams throughout the county would cause flooding in the event of their failing.** "However, a comprehensive analysis of the potential for dam failure and possible downstream effects for these upstream dams has not been undertaken." **Please add a clear Policy and concrete Implementation Measure to address this critical issue.** Please make the Policy and IM effective in time to ensure that such a comprehensive analysis will be required prior to the approval of any new dam construction in the County (such as the one proposed to be built at the proposed Yokohl Ranch development).

HS-4.1 Hazardous Materials (p. 10-4): Please clarify this Policy; "strive to ensure" does not indicate who, what, when, where, or how. The Background Report states (BR p. 8-30) that **Tulare County has no facilities authorized to store or dispose of hazardous waste, but that over 1600 tons of hazardous waste originated in the County in 2002 and were transported, mainly on State Routes 43, 63, 65, 99, 198, and 201 (BR p. 8-31).** It states that the County had almost 150 cases of leaking underground storage tanks (p. 8-33) and five sites on the federal National Priorities List (in 1988) and nine sites on the California Department of Substances Control Hazardous Waste and Substances Site List in 2004 (BR p. 8-34). Given this level of hazardous waste, please move up the date of the Implementation Measure (#12 on p. 10-12) for this Policy; **2015-2030 is much too far in the future** to begin addressing this problem, which is contaminating our air, water, and soil.

HS-4.2 Establishment of Procedures to Transport Hazardous Wastes (p. 10-4): Please clarify this vague Policy (if the County shall “continue” to cooperate with CHP on establishing procedures, how can the corresponding IM have a timeline starting in 2015?), and **please move up the timeline for the Implementation Measure** for this Policy (#IM #12, p. 10-12); 2015-2030 is too far in the future to address this hazardous activity (especially as traffic volumes and congestion constantly increase).

HS-4.3 Incompatible Land Uses (p. 10-4): Please provide earlier dates for beginning work on the Implementation Measures (#12 and #13, p. 10-12) for these important Policies; 2015-2030 is much too far in the future, especially given the County’s very rapid population growth and rapidly increasing areas of development.

HS-4.4 Contamination Prevention (p. 10-4): Please clarify this very vague Policy and give it an Implementation Measure; explain how reviewing the proposals will ensure protection from contamination. **Please include GHG emissions specifically as a contaminant.**

HS-4.5 Increase Public Awareness (p. 10-4): Please clarify this very vague Policy and give it an Implementation Measure.

HS-4.6 Pesticide Control (p. 10-4) It was suggested in the Matrix (p. 222) with regard to this Policy that, for the health and safety of its citizens and of its soil, air, water, and wildlife, the County require the use of natural methods of pest control and IPM practices to reduce the use of toxic and long-lived pesticides wherever possible. RMA responded that it would be illegal for the County to ban the use of pesticides, per Section 11501.1 of the Food and Agricultural Code. Having researched this, we see that the County cannot regulate the use of pesticides in general in the County; however, the County is allowed to pass an ordinance that regulates or restricts pesticide use in its own operations.

Therefore, please add to Policy HS-4.6: **“The County shall require the use of natural methods of pest control and IPM practices to avoid or reduce the use of toxic and/or long-lived pesticides wherever possible in its own operations. Also, please add an Implementation Measure for HS-4.6 to clarify who will require mitigation of effects and what such mitigation will be and when this will be implemented; please make this a concrete and measurable implementation measure. It should be noted that many of the County’s contaminated sites are associated with pesticide manufacturing/processing (DEIR p. 4-78).**

NOTE: The DEIR (pp. 4-77 and 4-78) states that the GPU **“will establish development guidelines against which future projects will be judged for consistency,”** developed from Appendix G of the CEQA Guidelines and **“based on the professional judgment of the County and its consultants.”** The criteria are listed on DEIR p. 4-78. **These criteria should be stated as a Policy in the GPR.**

DEIR p. 4-79 lists policies that will minimize hazardous materials impacts. Five of these have no Implementation Measures at all; four of them have Implementation Measures scheduled to be worked on sometime between 2015-2030. They are discussed in more detail above. The GPR's first Value Statement is that the County will protect and enhance the beauty of the County and the health and safety of its residents. Please revise the above Policies and Implementation Measures so that they march to that tune.

DEIR p. 4-79 also states that the County's "lack of designated routes for hazardous materials transportation could expose County residents to unnecessary risk" and that "if development is proposed for known hazardous materials sites an extra layer of analysis is required for the safety of people and the environment." It states that two new policies, HS-4.8 "Designated Routes for Hazardous Materials Transport" and HS-49 "Hazardous Materials Studies" are required. These new Policies are detailed on DEIR p. 4-80, but they do not appear in the GPR. Please explain how they will get there. NOTE that HS-4.8 makes no sense as it is written: "The County shall continue to encourage the transportation of hazardous materials within the County to routes that have been designated for such transport" if DEIR p. 4-79 is correct, as quoted above (the County lacks designated routes). Page 8-31 of the Background Report states that "There are no designated routes within Tulare County for the transportation of inhalation hazards . . . or radioactive materials" per two sections of the Vehicle Code, although apparently it has routes for some materials. Please strengthen and clarify HS-4.8 because "encourage" is much too vague.

10.5 Flood Hazards (p. 10-4):

The Flood Hazards section discusses floodplains and dams, but it does not specifically address the flood hazards associated with Tulare County's Levee Districts' unmaintained levees and channels. According to the 2005-06 County Grand Jury report and the response of the Board of Supervisors (sitting as the Tulare County Flood Control District Board), the Board of Supervisors has not transferred general fund monies to the TCFCD for channel clearing since the winter of 1997-98, renewal of liability insurance held by District I was denied due to the age and condition of the levee, the Corps of Engineers will not certify the levees within the two levee districts, the levees are not constructed to FEMA standards, and the Board of Supervisors will not fund the TCFCD for regular inspection and maintenance because it is not feasible under the County's current fiscal circumstances.

In 2006, the Governor declared the flooding in Cutler-Orosi due to a levee failure an extreme emergency. The Background Report states (p. 8-14) that "The flood carrying capacity in rivers and streams has decreased as trees, vegetation, and structures . . . have increased along the Kaweah, Kings, and Tule Rivers. . . . Confined floodplains can result in significantly higher water elevations and higher flow rates during high runoff and flood events. Updated channel analyses have not been performed to determine the amount of obstruction posed by vegetation and development in the Kaweah, Kings, or Tule River channels. As such , FEMA maps depicting the 100-year floodplain for the rivers probably do not reflect the true extent and risk of flooding hazards in Tulare County."

The DEIR (p. 4-86) states that “Recent flood events, including Hurricane Katrina, have brought . . . a heightened awareness of the dangers of levee failure . . . and increased public scrutiny of new development projects that are located in floodplain areas protected by levees.” DEIR p. 4-87 states disingenuously that the “County has no jurisdiction and is limited in terms of alternatives to mitigate for the identified risks.”

Per the Grand Jury report, as agreed to by the Board of Supervisors, “The State of California Legislature formed the Tulare County Flood Control District (TCFCD) in 1972. . . . The Board of Supervisors serves as the governing board of the District. The District plans, designs, and maintains flood control projects within the County. Duties include maintenance of channels, pumps, and ponding basins. The District also administers FEMA’s National Flood Insurance Program, provides flood zone information, and performs flood control investigations.

TCFCD is funded by Tulare County property taxes. It receives approximately \$350,000 per year. There are no active programs for levee maintenance or channel inspections within Tulare County.”

The Grand Jury report identifies Ventura County as a good example of a well-managed flood control model, with both flood control and watershed protection elements including ground water recharge; funding is supported by numerous benefit assessment districts.

DEIR . 4-87 states that the “structural integrity of existing levees is an unknown. Therefore, this impact is considered potentially significant.” **Please include strong, clear, enforceable Policies and Implementation Measures in this section that will directly address the levee and channel flooding hazards. Please do not permit new residential development in these areas.**

HS-5.1 Development Compliance with Federal, State, and Local Regulations (p. 10-4): Please put the County Flood Damage Prevention Ordinance online for easy accessibility. The Implementation Measure for this Policy is IM #14 (p. 10-12), which relies on FEMA floodplain maps for evaluation of projects; BR p. 8-14 says that the FEMA maps “probably do not reflect the true extent and risk of flooding hazards in Tulare County.” Please include a Policy to require regular and periodic channel analysis and update, with a concrete corresponding Implementation Measure.

HS-5.2 Development in Floodplain Zones (p. 10-5): This Policy appears to allow residential subdivisions to be developed in the 100-year floodplain zones. Is this correct? Is this why these subdivisions shall be developed to ensure safe access and evacuation during flood conditions? Who will pay for these evacuations? Please do not permit residential subdivisions in areas likely to be flooded. The Implementation Measure for this Policy is IM #14 (p. 10-12), which relies on FEMA floodplain maps for evaluation of projects; BR p. 8-14 says that the FEMA maps “probably do not reflect the true extent and risk of flooding hazards in Tulare County.” Please include a Policy to require regular and periodic channel analysis and update, with a concrete corresponding I.M.

NOTE: We cannot find the **Tulare County Flood Control Master Plan** online. Please put it online, so that it will be readily available.

HS-5.4 Multi-Purpose Flood Control Measures: Please clarify and strengthen this welcome Policy and provide it with a concrete Implementation Measure.

HS-5.10 Flood Control Design (p. 10-5): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. To say that the County shall avoid channeling, straightening, and lining waterways only until it has “studied” alternatives provides far too little direction for doing the right thing. Please ensure that channeling, straightening, and lining waterways shall be an absolute last resort.

HS-5.11 Natural Design (p. 10-5): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. “Encourage” is far too vague.

HS-6.4 Encourage Cluster Development (p. 10-6): Please strengthen this Policy and give it a concrete, enforceable Implementation Measure. “Encourage” is far too vague.

HS-6.6 Wildland Fire Management Plans (p. 10-6): Please clarify what these management plans must include, when and where they must be filed, how the plans’ required actions will be funded and carried out, and how they will be monitored and enforced; please provide a concrete Implementation Measure for this Policy. Will these plans be required for all projects?

HS-6.9 Fuel Modification Programs (p. 10-6): Please clarify how the County shall “support” these programs, and please provide a concrete Implementation Measure for this Policy.

HS-6.12 Weed Abatement (p. 10-7): Please clarify how the County shall “encourage” these programs and provide a concrete Implementation Measure for doing so.

HS-6.13 Restoration of Disturbed Land (p. 10-7): Please clarify how the County shall “support” this restoration and provide a concrete Implementation Measure for doing so.

HS-8.11 Peak Noise Generators (p. 10-8): This welcome new Policy states that the County shall limit noise generating activities to normal business hours and not allow peak noise activities outside of normal business hours without County approval. Turning to the Implementation Measure to see how this will be enforced, we find **IM #22 (p. 10-13)** stating that the County “*should* develop and adopt a peak noise standards ordinance,” with a timeline of 2007-2010. Does this mean that the County presently has no peak noise standards ordinance, meaning that

Policy HS-8.11 can't be enforced? Please provide a concrete, measurable IM for this important Policy. "Should" is optional.

NOTE: DEIR pp. 4-98-99 lists six new "required mitigation measures" to address noise impacts (HS-8.23 – HS-8.17), but these do not appear in the GPR, nor are any Implementation Measures provided for them. Please explain when and how these measures will become part of the GPR and provide them with concrete, measurable IMs.

11. WATER RESOURCES:

The General Plan Update documents leave the public and decision-makers with many unanswered questions regarding the adequacy and sustainability of the County's water resources. The baseline information is disorganized, piecemeal, incomplete, inconsistent, and inadequate. The impacts on water resources of projected growth, of litigation results, and of accelerating global warming are inadequately described and discussed. Far too many of the related policies and implementation measures are vague and inconclusive. The relationship between water supplies and land use designations is not disclosed, and it is not at all clear how or whether the County means to direct growth in relation to water supplies.

Existing Conditions Overview (GPR p. 11-2): The first paragraph under this heading states that Tulare County has **four major sources of water:** groundwater, local streams and rivers, imported surface water, and imported surface water by exchange. **What percentage of the County's water use is supplied by each of these sources? How are the sources divided between agricultural and domestic consumption? Is almost all of the County's drinking water supplied by groundwater? Is agriculture by far the greater consumer of the County's water resources?**

Please include: "All but one of the communities in Tulare County rely on groundwater for their water supply. Many communities' well water contains nitrates, arsenic, and other contaminants. These pollutants occur naturally and as a result of human activity. Several communities and many agricultural operations rely on surface water, pumped via pipes and canals, to augment their groundwater supplies. Now a long-argued legal case is being settled, and much of the water that these communities relied on for expansion of crops and population will no longer be available to them. Water and energy use are related: in California, approximately 19% of all electricity, 30% of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute, and use water and wastewater."

The **third paragraph (GPR, p. 11-2)** states that extensive **alluvial fans** associated with the County's rivers provide the highly permeable areas in which groundwater is readily replenished. **Are these alluvial fans also the areas in the County that are the most urbanized (and therefore the most covered by impermeable surfaces, impeding**

groundwater recharge, and the most subject to human-caused pollution), and also the most intensively agriculturalized (and therefore the most polluted by agricultural chemicals, confined animal facilities, etc.)?

The fourth paragraph (GPR, p. 11-2) states that Tulare County has the greatest overdraft projected in the state (56% of the total), estimated at 820,000 acre-feet per year. It states, egregiously, that the overdraft is due to reductions in surface supplies due to Delta export restrictions and ESA requirements. **Would it not be more accurate to state that the overdraft is due to huge increases in population, water-intensive agriculture, and the dairy industry? If so, please revise the overdraft sentence.**

The fifth paragraph (GPR, p. 11-2) states that there are 19 entities in Tulare County with active groundwater management programs. **Is it correct that Tulare County does not yet have a Groundwater Management Ordinance (the California DWR list, dated 12/04 does not show Tulare County among the 28 counties that have such ordinances, including Fresno and Kern)? If not, given the County's impending water crisis, does Tulare County mean to adopt such an ordinance? If so, when? This paragraph should briefly discuss the County's involvement in and plans for dealing with this critical issue, and how this issue affects and would be affected by the County's GPU growth projections.**

The seventh paragraph (GPR, p. 11-3) mentions that predominantly individual systems supply water to the County, principally from groundwater, which is mostly untreated. **This paragraph should briefly discuss the County's involvement in and plans for dealing with the water supply systems, many of which are contaminated, at or near capacity (many in "Can't Serve" status), or old and dilapidated and in need of major repair, replacement, or expansion, and should explain how this situation affects and would be affected by the County's GPU growth projections.**

Why is there no mention in this introductory section of the likely impacts of climate change on the County's water resources? **Please include a paragraph on this key condition. Scientific models consistently project for California (and the West in general) as a result of human-induced global warming: earlier annual runoff from diminishing mountain snowpacks; sharply diminishing runoff totals; rapidly changing seasonal averages and extremes of snow, rainfall, river flow, and floods; and longer droughts and worse heat waves.** These conditions will, of course, increase demands for water, and they make it urgent that local governments and planners respond with measures to deal with increased hydrologic uncertainty, including modifications to infrastructure and innovative solutions such as capturing storm waters for irrigation, groundwater recharge, and other uses.

WR-1.1 "Groundwater Withdrawal" (p. 11-3): The second paragraph on GPR p. 11-1 states that the County does not have direct regulatory control over water allocation or management and that the policies in this element should not be construed to insert the County into those activities. WR-1.1 states that the County shall cooperate with other agencies during land development processes to manage the County's groundwater resources through ordinances, project approvals, and agreements. **Please clarify the County's powers and limitations in**

dealing with the key issue of managing water resources. What exactly can the County do to ensure an adequate, safe, and economically viable groundwater supply for existing and future development? If the various community service districts, irrigation districts, public utility districts, etc. are “self governing and are not subject to County control” (BR, p. 7-2), then how can the County ensure the groundwater supply? It may be noted here that communities such as Traver, El Rancho, Delft Colony, Seville, Tonyville, Yettem, Tooleville, and Wells Tract, which are under the County’s jurisdiction (CSA #1 and #2) are all in Can’t Serve status (BR pp. 7-35 and 7-36), per a list provided by Tulare County (updated 4/30/07). **Please revise this Policy to include groundwater for habitat, scenic landscapes, and other natural resource lands in the beneficiaries of an adequate, safe groundwater supply (our groundwater should not be managed only for development).**

Implementation Measure #1 (p. 11-7) for WR-1.1 and WR-1.2 says the County shall develop an ordinance that will regulate the extraction and exportation of groundwater from the County and require a permit for export; six conditions are listed for the permit, including that the extraction will not “substantially” increase the overdraft of our groundwater and will not exceed the “safe yield” of the groundwater. **Please define “substantially” and clarify how, if we are already overdrafting 820,000 acre feet per year, we are not already greatly exceeding the safe yield. Also, do these conditions apply only to a permit for export? Can they be made to apply to any extraction of groundwater from Tulare County?**

Implementation Measure #2 (p. 11-7) for WR-1.1 and WR-1.2 and WR-1.8 states that solid waste disposal areas shall not be located where there is possibility of ground or surface water contamination. **Please expand this IM to include Confined Animal Facility Operations, which also must not be located where there is a possibility that they will contaminate ground or surface water (too many of them are already causing contamination).**

Implementation Measure #3 (p. 11-7) for WR 1.1, 1.7, 2.5, 3.2, 3.4, and 3.7 states that the County shall assure that all watershed planning is done on a complete regional and watershed basis, balancing urban and agricultural demands. **Please expand this basis to include habitat demands, groundwater recharge demands, scenic landscapes demands, and natural flood control demands.**

WR-1.2 “Groundwater Monitoring” (p. 11-3): This extremely important **Policy needs to be made much clearer and needs much more concrete and enforceable IMs.** In what ways will the County “support” collection of monitoring data? What types of data will be collected? Where will the data be stored and compiled and analyzed, and how will the data be used? **It is critically important that the County learn what is happening to its groundwater supply because it cannot sustain *even its current level of population and development* without reliable groundwater that does not fall so low that it is too expensive to extract, and that must not become contaminated. Please include requirements in this Policy and its IMs to ensure collection, analysis, and reporting of this essential information. Of the IMs listed as implementing Policy WR-1.2, #1 and #2 (p. 11-7) seem to have nothing to do with Policy WR-1.2, unless the permits mentioned in IM #1 for groundwater**

extraction and export will include monitoring data (not mentioned). What data will be collected, and who will compile it? How will it be monitored? **This important function should be clearly spelled out in IM #1.**

IM #4 (p. 11-7) says the County shall participate “where feasible” in groundwater monitoring and planning programs; this is listed as a “New Program,” with a timeline that is “ongoing.” **What will determine the feasibility, and how will the County participate? Please provide an update on an example of a local groundwater monitoring program:** The Introduction to the Animal Confinement Facility Plan/Final Program EIR (GPA 99-05) states (p. 1) that in January 1998, the Board of Supervisors adopted a “Quality of Life Program” setting forth a commitment to protect and enhance the quality of life for the residents of Tulare County and including a component that provided resources to monitor the impacts of the dairy industry on the county’s groundwater supply. **What have been the results of this groundwater monitoring program implemented by the County? What data have been collected and reported, and what actions have been taken on the basis of this information? Is this information available to the public? What about the impacts of other industries on the county’s groundwater supply?**

IM #5 (p. 11-7): Please make this “Ongoing” “New Program” concrete and measurable. **How will the County “encourage” participation by local stakeholders and develop groundwater-monitoring partnerships? Who would these stakeholders and partners be? How would the groundwater-monitoring data be collected, stored, analyzed, and shared? This IM, or a closely related one, should implement the Data Needs Assessment and Recommendations described in the Animal Confinement Facilities Plan Draft Supplemental Program EIR (pp. F-12 and F-13) and discussed above under Policy AG-3.**

IM #7 (p. 11-8): The County states in the Matrix (p. 242, re IM #7) that “Since 2005 Environmental Health has required all new wells to be regularly tested for contamination.” What contaminants are these wells tested for? How regularly are they tested? How are these results compiled and reported? Are they correlated with the results from the dairy monitoring wells? Are the results correlated with GAMA (Groundwater Ambient Monitoring Assessment Program) data? The County states on Matrix p. 243 that since August 2005, all new private domestic wells in the County will be tested for bacteria and nitrates, with DBPC tested for in the valley and radiological screening the mountains. Is this the same testing that is referred to on p. 242? If so, then are only new domestic wells being tested? What about agricultural wells? This well monitoring information is vital to the County’s water future. **Please make the collection and correlation and reporting of water quantity and quality data as comprehensive and continuous and mandatory as possible.**

WR-1.3 “Water Export Outside County” (p. 11-3): This is an important policy for sustaining the County’s water supplies, but it is vague and confusing and has no Implementation Measure; **please clarify the Policy and provide it with a concrete, measurable IM.** By what means can the County regulate export of water already allocated to County users? The second sentence says, “The County shall strive for a ‘no net loss’ . . . but these agreements shall not result in the net loss of water from the County.” This sentence does not make sense as written because it seems self-contradictory. **Please revise.**

WR-1.4 “Conversion of Agricultural Water Resources” (p. 11-3): Please make this vague Policy (“discourage”) clear and provide it with a concrete, measurable Implementation Measure. How will the County “discourage” the transfer of water? What criteria will be used to establish that the water remaining is “sufficient?” How will turning the agricultural soil into urbanized hardscape not significantly reduce infiltration to groundwater? This issue **MUST** be addressed in terms of cumulative impact, **NOT** on a piecemeal basis. **Given the County’s gigantic overdraft, reductions in imported water, and shrinking snowpack, agricultural users should be implementing conservation programs such as installing drip irrigation and converting to less water intensive crops anyway, and the water “saved” should be going to groundwater recharge to reduce the overdraft, not to new urban development.**

WR-1.5 “Expand Use of Reclaimed Water” (p. 11-4): Please clarify this vague Policy, which implies through its title some relationship between reclaimed wastewater and augmenting groundwater supplies and conserving potable water. **From what sources and by what means would wastewater be reclaimed? How would the reclaimed wastewater augment groundwater? Through use in irrigation? How would it conserve potable water? Would restrictions be placed on how potable water could be used? Is it possible that the wrong title has been given to this policy?**

Implementation Measure #6 (p. 11-8) for Policy WR-1.5 “Expand Use of Reclaimed Water” says nothing about reclaimed water. How does it implement policy WR-1.5? The IM does address established recharge sites, aiming to avoid their destruction by “clustering development to leave such areas in open space.” As discussed above, none of the GPR’s policies and IMs regarding clustering are sufficiently clear, concrete, measurable, or enforceable to require or produce any clustering at all. What is meant in this IM by “alteration of existing agricultural practices?”

Implementation Measure #10 (p. 11-8) for Policy WR-1.5 “Expand Use of Reclaimed Water” states that the County shall incorporate provisions for the use of reclaimed wastewater, water conserving appliances, drought tolerant landscaping, and other water conservation techniques into the County’s building, zoning, and subdivision ordinances; the timeline is “Ongoing.” What are the provisions for reclaimed wastewater use, and where specifically in the building, zoning, and subdivision ordinances can they be found? How much wastewater is being reclaimed by these provisions, and what is the County’s goal for wastewater reclamation and use? The same questions apply to water conserving appliances, drought tolerant landscaping, and “other water conservation techniques.” What specifically is the County requiring, where specifically are the requirements to be found, what effect are they having, and what are the goals? Given the County’s impending water crisis, it is essential to provide concrete, measurable implementation measures that enable monitoring and regular reporting; please modify this IM accordingly.

WR-1.6 “Expand Use of Reclaimed Water” (p. 11-4): This very important Policy is far too vague to be enforced and has no Implementation Measure. **Please correct these deficiencies.** How shall the County “encourage” use of treated wastewater and gray water? Does the County have the authority to cause such use to occur? Do tertiary treatment plants currently exist in the County? Where are they located? What is their capacity? What would be required to distribute the treated water to agricultural and other lands to reduce groundwater demands? Could this significantly reduce groundwater demand?

WR-1.7 “Collection of Additional Groundwater Information” (p. 11-4): This very important Policy and its **Implementation Measures (#3 on p. 11-7 and #7, 8, 9, and 11 on p. 11-8)** are woefully vague and do not provide for measurement, monitoring, or reporting on a coordinated, accessible, regional basis. **How will the County “support” studies,** per WR-1.7, to understand groundwater sources and basins? This information is vital to the County’s land use and planning decisions, but it seems to take the form of scattered facts that cannot be turned into reliable, comprehensive information.

Please see above comment on IM #3 (under WR-1.1).

For IM #7, how shall the County “work with” other agencies to improve groundwater pollution detection and monitoring? This is shown as “Ongoing.” **What have been the results to date? Where are they reported?**

For IM #8, it was suggested (Matrix, p. 243) that “encourage” be changed to “require” agencies and organizations to install and monitor additional wells in areas where data gaps exist. The County responded that “This is not within the County’s jurisdiction.” So, **IM #8 apparently cannot be relied on to have any force or effect. By what means would the County “encourage” the other agencies and organizations?** Who would compile, coordinate, and report the data from the wells?

IM #9 (p. 11-8): How will the County “seek cooperation” from realtors to require this water testing? Who will collect, compile, and report the data? How will the information be made available?

IM #11 (p. 11-8): How will the County identify and evaluate conditions causing deterioration of water quality, supply, and yield? **Please make this very important IM concrete and measurable;** how can progress on it be monitored, and how will it be reported? Is there any baseline available? Will the necessary revisions to the regulatory documents be publicized? Will there be ongoing monitoring for compliance and results?

WR-1.8 “Groundwater Basin Management” (p. 11-4): **Please make this very vague Policy specific and meaningful.** What does “take an active role in cooperating” mean? Going to meetings? Revising ordinances? Cooperating with whom? The Policy’s two Implementation Measures (#2, p. 11-7 and #11, p. 11-8) are discussed above; please incorporate those comments here as well.

WR-1.9 “Collection of Additional Surface Water Information: (p. 11-4): **Please make this very vague Policy clear and meaningful** because it is important; **please provide it with a concrete, measurable Implementation**

Measure (it has none). How will the County “support” the additional collection of water quality and flow information? Who will compile and coordinate and analyze and report this information? How will this information be related to planning and land use policy- and decision-making?

WR-1.10 “Channel Modification” (p. 11-4): Please strengthen “discouraged” to “prohibited” in this important Policy (and also correct the agreement error: “Channel modification shall be . . . where it increases . . . *has* adverse effect . . . or *modifies* . . . recharge”). Please see above comment on **IM #6 (p. 11-8)** and incorporate it here also. **Please change IM #13 (p. 11-8):** “Stream crossing points *shall* involve a minimum disturbance . . . near natural drainages *shall be* avoided.”

11.2 Water Quality

WR-2 “To provide for . . . needs . . . and for the protection of the quality of . . . water . . . resources”: Somewhere under this Goal, perhaps under WR-2.1, or as a separate Policy, **the GPR should include a Policy stating that the County shall ensure no net quality reduction in the case of water transfers or exchanges serving a public purpose** (see Matrix p. 233, #1 under WR-1.3). The County must not transfer or exchange its high-quality water for water of a lesser quality.

WR-2.1 “Protect Water Quality” (p. 11-4): This key Policy is supported by **only two Implementation Measures, #12 and #14 (p. 11-8), both of which address soil erosion only.** Please provide IMs for the other conditions referenced in this Policy. **Please include a specific reference to dairies,** as they are a major potential source of direct discharge, leaching from storage, floating debris, and runoff from the site; the County has at last begun to address these dairy issues, but is making very slow progress (when will the DSPEIR for the ACFP, in the works since 2001, be completed and adopted?).

WR-2.2 “NPDES Enforcement” (p. 11-4): This Policy has three IMs, #12 and #14 on p. 11-8, and #15 on p. 11-9. The first two deal only with soil erosion. **#15 should have the commas removed in its first sentence. Does the second sentence in #15 say what is intended?** Its “should” should be changed to “*shall*.” The sentence as it is written says that channeling, etc. of waterways is prohibited until other modes of treatment are provided. The implication is that once the other modes are provided, then the channeling, straightening, and lining may occur. Is the intent that the channeling, etc. should be a last resort, and may not be considered unless alternative modes have been implemented and proven to be insufficient? **Isn’t the most effective and cost-effective flood control the maintenance of natural floodways in their natural land forms with their natural vegetation? These could serve multiple purposes at very low cost (especially compared to the cost of channeling, straightening, and lining, and maintaining) as open space, habitat, and recreational preserves, remaining always ready to perform their natural function of flood control.** The County’s levee systems are already in disastrously poor condition, as discussed above and in the 2005-06 Grand Jury report. Let the floodways work as Nature made them.

WR-2.4 “Construction Site Sediment Control” (p. 11-4): Please specifically include dairies in this Policy, as they are required to comply.

WR-2.5 “Major Drainage Management” (p. 11-4): This is an extremely important policy that **must be clarified and strengthened**. How will the County “promote” protection of the drainage basins? What “hydrologic and use characteristics” will be considered? The only implementation measure shown for this Policy is #3 (p. 11-7), which is also vague and incomplete, as discussed above. The County is at a critical juncture regarding its water supply: already too much of our water is contaminated, already we are consuming our supply far faster than it is being replenished; already we know that our imported water will be reduced and our snowpack is shrinking. **Please include strong, clear, direct policies and implementation measures to protect our ever-more-precious water basins.**

WR-2.6 “Degraded Water Resources” (p. 11-4): This very important Policy **must be made much stronger and clearer**. How will the County “encourage” and “support” the identification of degraded resources and “promote” restoration “where appropriate?” Where would it NOT be appropriate to restore water resources? Since we’re not making any more water, and the demands on our supply are ever-increasing, while our supply is shrinking, is it not essential to discover where we are losing this resource to degradation and do all that is possible to prevent and repair such degradation (preferably at the expense of the degraders whenever possible)? The only IM listed as related to this Policy is #13 (p. 11-8), which has to do with minimizing soil disturbance in natural drainages. While this is a worthwhile measure, it is far from sufficient to carry out the policy of identifying and restoring degraded water resources.

WR-2.7 “Industrial and Agricultural Sources” (p. 11-5): This Policy is also much too vague to be enforceable and its sole Implementation Measure, #16 on p. 11-9, says only that the County “shall consider” expanding the role of the Water Commission to “examine” contaminant management; the timeline is “Ongoing.” Given the level of and frequency of water contamination in the County, this casual approach seems designed to produce no positive effects at all. Please define how the County will “work with” agricultural and industrial concerns, and please provide concrete, measurable implementation measures, such as monitoring, inspection, and enforcement of strong ordinances. Once the Water Commission, if asked, has examined contaminant management, then what? **Please include a charge to the Water Commission to analyze and recommend policies and implementation measures for education and BMPs re nitrates per the Salinas Valley model discussed on Matrix p. 246.** Nitrates are not being sufficiently specifically addressed in the Water Resources Element, but they are our most prevalent contaminant.

WR-2.8 “Point Source Control” (p. 11-5): How will the County “work with” the RWQCB? **Please clarify, and please provide a concrete Implementation Measure for this policy. What kind of inspecting, monitoring, and reporting will be done?** We are very concerned because it seems that efforts to manage water pollution are insufficient, in that so many wells, when tested, are contaminated. What would it take to get ahead of this problem? More funding? More staff? More monitoring wells? Better mapping? More inspection? Stronger regulations? Stricter enforcement?

WR 2.9 “Private Wells” (p. 11-5): It is wonderful to find a new Policy with a fairly concrete Implementation Measure (#17 on p. 11-9). **But shouldn’t the IM require deeper seals on all wells,** not just in areas of known contaminants? Wouldn’t that be safer? What if a well is being drilled in an area that hasn’t yet been tested for contaminants? How deep will the seals have to be? Will the required depth make allowance for the generally declining groundwater table?

WR-3.1 “Develop Additional Water Sources” (p. 11-5): How shall the County “encourage” identification and development of additional water sources? Who would do the identifying and development? Does the County own any water sources, water storage reservoirs, or groundwater banking areas? To what extent can the County do more than simply “encourage” in this respect? **How will the County “promote” water conservation programs? Please provide concrete, measurable IMs for this Policy.** How much control does the County have of water development, water use, and water conservation in the County Service Areas? The Matrix (p. 237, top) states that surface water rights are 100% allocated in our County. Are any of the surface water rights allocated to the County, or otherwise controlled by the County? Does the County have any groundwater rights? Is the County doing any groundwater banking? **Please make this Policy clear and enforceable and provide trackable Implementation Measures.**

WR-3.2 “Develop an Integrated Regional Water Master Plan” (p. 11-5): Strong leadership is needed in this key area, immediately and in the long run, but what does “take the lead with other agencies and organizations” mean? **The Implementation Measure (#18, p. 11-9) says only that the County “will take steps.” Please clarify and strengthen this Policy and make its IM concrete and measurable.**

WR-3.3 “Adequate Water Availability” (p. 11-5): This new policy (required by legislation) is obviously necessary, given our many communities in “Can’t Serve” status; no development whatsoever should be allowed without prior evidence of adequate and sustainable water supplies. Does the law require such proof only for subdivisions over 500 units? **Neither WR-3.3 nor its IM #19 (p. 11-9) indicates any number of units. Please clarify whether this policy will be applied to all new development proposals, regardless of size.** (Appendix C to the Background Report, p. C-25, notes that the cities of Visalia and Tulare are extending the intent of the legislation to all levels of development, along with overdraft mitigation requirements.) This Policy does not address the

potential impact of proposed new water use on the adequacy and sustainability of water supplies to adjoining or nearby areas. If a new development goes in and reduces the output of the pre-existing well on the next parcel, or pulls the groundwater table so low that the pre-existing well no longer can reach it, **can mitigation or restitution be required for such an adverse impact if it actually occurs? If so, please include a requirement for such mitigation as part of this Policy.** (PFS-2.3 "Well Testing," p. 13-4 states that new development must "be accompanied by evidence that the site can produce needed water without impacting the ability of existing wells to meet their needs." However, it does not describe the evidence, it doesn't state when the evidence must be provided, it doesn't have an Implementation Measure, it doesn't say when the policy will be implemented, and it doesn't mention any recourse or restitution for users of existing wells who actually do suffer adverse impacts from the water production of the new development

WR-3.4 "Water Resource Planning" (p. 11-5): How can "continue" be a New Policy ("continue" implies an ongoing activity, unless the implication is that the County was going to stop participating)? The Implementation Measure (#20, p. 11-9) for this Policy is that the County shall "consider expanding the duties of the Water Commission." **"Considering" something does NOT constitute an Implementation Measure. Please provide a clear Policy and a concrete, measurable IM for this essential goal of water resource planning.**

WR-3.5 "Use of Native and Drought Tolerant Landscaping" (p. 11-5): If, legally, the County can do more than "encourage," please change the language of this weak Policy, to "require." IM #10 (p. 11-8) states that the County shall incorporate provisions for the use of reclaimed wastewater, water conserving appliances, and drought tolerant landscaping, and other water conservation techniques into its building, zoning, and subdivision ordinances. The timeline is "Ongoing." Are these provisions mandatory, or do they also only "encourage?" Is the County requiring all of these measures to be implemented in its own buildings and operations? IM #21 (p. 11-9) states that the County's water efficient landscape ordinance will be consistent with the DWR Model Water Efficient Landscape Ordinance. The DWR's ordinance should be stronger and is currently being revised. **The County should adopt the revised measures of the DWR ordinance, as a minimum, in 2008,** and not wait until the mandatory 2010 date for adoption. But why doesn't the County adopt measures stronger than those in the Model Ordinance, since our water situation is more dire than that of many of the State's counties?

WR-3.6 "Agricultural Irrigation Efficiency" (p. 11-5): How will the County "support" these educational programs? Financially? Through regulations? **Please clarify this Policy and provide it with a concrete, measurable IM.** NOTE that IM #23 (p. 11-10) pertains to an education program for "residents" regarding water conservation; it references WR-3.8 as its Policy. Could this IM apply to WR-3.6 as well, or are residents being differentiated from "agricultural" users? **Please clarify, and ensure that there is an IM at least equal to #23 for WR-3.6, because agricultural uses account for by far the greatest percentage of the County's water use (does agriculture use 85 -90% of the total?).**

WR-3.7 “Emergency Water Conservation Plan” (p. 11-5): What are the County operated water systems mentioned in this Policy? This New Policy indicates that the County does not yet have such a plan, but the **Implementation Measure (#22, p. 11-9)** seems to imply that the plan already exists (since the timeline is “Ongoing”), and that a priority of consumptive uses is to be developed for it. **Please clarify:** Does the Plan already exist? When will the priority of uses be developed (without a date, this IM cannot be measured)?

WR-3.8 “Educational Programs” (p. 11-5): How will the County “encourage” the development of these important programs by water purveyors and public agencies? The **IM (#23, p. 11-10)** states that the County itself “shall develop an education program.” Does this mean that the County will develop the program by encouraging others to develop it? **Please clarify.**

WR-3.9 “Establish Critical Water Supply Areas” (p. 11-6): How will the County designate these areas? Don’t almost all of the urbanized areas in the County (and over 95% of the County’s residents) rely almost totally on groundwater for their water supplies? Are some of these groundwater basins interconnected? Are some of them dependent on the same groundwater recharge areas? Are many of the recharge areas being paved over by urbanization and infrastructure? Does the County already have this information?

IM #24 (p. 11-10) lists many good practices, which should be applied as universally as possible in the County, due to its water emergency.

Is **IM #25 (p. 11-10)** the method by which **IM #24** will be implemented?

Is **IM #26 (p. 11-10)** basically the same as **IM #25**? **IM #24** says “regulating,” **IM #25** says “amend County ordinances to include development standards,” and **IM #26** says the County shall establish development or design standards.” These seem redundant.

IM #27 (p. 11-10) states that the County will identify the critical water supply areas on a map sometime between 2010 and 2015. Given the County’s impending water crisis, **please move this timeline up to 2010 at the latest. How much development is the County likely to approve in the interim, without the benefit of IMs #24, 25, and 26, which have timelines of 2007-2010? How can these IMs be implemented before the critical water supply areas are mapped (the map isn’t due until after 2010)?** Who are the stakeholders referred to in **IM #27**? Will the proposed ordinance in **IM #27** use terms such as “encourage,” and “discourage” as indicated, making compliance optional?

WR-3.10 “Diversion of Surface Water” (p. 11-6): This sounds like a good policy, but it has no Implementation Measure. How will the County prevent these diversions? **Please clarify and provide a concrete IM.**

11.4 Acronyms – DBCP is stated to be the acronym for Chemical Decachlorobiphenyl; **isn’t DBCP dibromochloropropane?**

WATER RESOURCES, Section 10.2, BACKGROUND REPORT:

BR p. 10-5 refers to AB 3030 (Water Code Section 10750 et seq.), which authorizes local agencies to adopt **groundwater management plans** and to impose assessments to finance the cost of implementing the plans, and states that about 150 local agencies have adopted such plans. The County's groundwater is being contaminated, hugely overdrafted, and more and more obstructed from recharge. **Why doesn't the County adopt a groundwater management plan? Several policies and IMs relating to groundwater are presented in the GPR, but a groundwater management plan isn't mentioned. Wouldn't it be more effective to coordinate, fund, and implement these policies through a comprehensive groundwater management plan?**

BR p. 10-13 states that Tulare County water supplies are 37% local, 31% imported and 32% groundwater (but the GPR on p. 11-2 says that there are four major sources: groundwater, local streams and rivers, imported surface water, and imported surface water by exchange). **It says nothing about the likely effects on County water supplies of global warming or of pending settlement of litigation regarding imported water. It says nothing about the long-term effects of our huge overdrafting of County groundwater.**

It states that we use nearly 1/3 of the water for agriculture in the whole state, but that our agricultural water use should decline as land is removed from agriculture use through urbanization and retirement of lands in areas of poor soils and drainage (it gives no estimate of what amount of reduction in agricultural demand might occur over what amount of time). Of each of the sources of supply (local, imported, and groundwater), what percentage goes to agricultural use and what percentage to domestic use? What is the likely reduction projected for agricultural use? Doesn't our domestic supply presently come almost entirely from our declining (and increasingly contaminated) groundwater supply? Will all our sources of supply likely be reduced by the impacts of global warming/climate change?

BR p. 3-85 and 3-86 discuss some of the County's water contamination problems, including fertilizers and pesticides that can increase salinity and toxicity, large amounts of irrigation water increasing salinity (and overdrafting), and nitrate and arsenic contamination (which have caused numerous County wells to be taken out of service and jeopardized many communities' water supply and capacity for growth). **It does not address whether these contaminants can be removed from water supplies, and, if so, what the costs would be.** The only Implementation Measure even peripherally addressing this issue is #11 (p. 11-8), which says only that the County "shall identify and evaluate conditions within established watersheds which are causing deterioration of the water quality, water supply, or declining water yields. The County shall institute the necessary revisions to regulatory documents . . . to mitigate these issues." **But what about the water sources that are already too contaminated to use?**

Correctories dated January 25 and February 26, 2008, were issued to correct and supplement the Background Report dated December 2007. The first correctory includes "Appendix C- Water Resources, Revised July 2007."

Average Groundwater Elevations: Page C-4 of BR Appendix C states that Figure 4-8 (which was not provided with this correctory, but was then issued in the second correctory, dated February 26) is presented as “an indication of the type of information which is available for the cities and communities located within the County.” Figure 4-8 shows that from 1986 to 2005 the average static elevation of groundwater at the City of Visalia has declined from about 50 feet to about 100 feet, and the average pumping elevation has declined from about 85 feet to about 135 feet (with a recent drop to below 140 feet). The text on page C-4 explains that “Typical of all communities with groundwater as the principal source of supply, conversion of land from agricultural use to urban use” has changed the source of supply from conjunctive use of surface and groundwater to exclusively groundwater, resulting in a decline in the volume of water available in the groundwater reservoir and an increase in the distance from which that groundwater needs to be mined.”

Since virtually all of Tulare County’s urbanized areas depend almost entirely on groundwater for their supplies, and since virtually all of them are located on agricultural land being converted to urban use, then are all of them, like Visalia, experiencing substantial increases in their depth to groundwater and average pumping elevation?

If this information is available for the County’s communities, then the GPU documents, to adequately inform the public and decision-makers about what is happening to the County’s groundwater supply, must provide it.

What are the impacts of this increasing depth? How much more does it cost to bring water up from 50 feet deeper? How much more energy is required, and how much more pollution does that cause, and how much does that increase impacts on global warming? Do we know the maximum depth of the groundwater basin? Can we calculate what a 50 foot drop means as a percentage of the available supply? Do we have a way to calculate the reduction in groundwater recharge due to increasing urbanization?

The GPU documents must make a good faith effort to address these critical issues and their cumulative direct and indirect impacts.

For what period of time have these Average Groundwater Elevation data been recorded? Is the change shown in Figure 4-8 typical of the pattern over the entire time for which records are available? Page C-10 indicates that the declining groundwater has also affected agriculture: “Depth to groundwater impacts and associated cost impacts related [to] energy consumption are further contributing to this shift in cropping patterns.”

Please provide County-wide information in text and graphic form regarding this fundamental issue.

Radiological Test Results: Page C-4 of BR Appendix C mentions that “Attention is paid, on a continuous basis, as with any foothill or mountain system, to radiological test results.” Please explain why these test results are important. Does this imply a public health and safety issue? Is it a factor to be considered in projecting growth and development?

Kings River Watershed: Pages C-7 and C-8 of BR Appendix C state that groundwater is declining in this watershed also, increasing the demand for surface water (with an almost 2:1 ratio of surface water requested between contract supply and anticipated firm yield in the Hills Valley I.D.) The groundwater management plans in this watershed encourage groundwater recharge policies to abate the decline in the amount of water in storage and static levels. **Are these recharge activities producing a positive effect? To what degree can managed recharge activities alleviate declining groundwater supplies? Can these activities suffice to offset the effects of increasing urbanization on groundwater?**

Water Quality: Page C-8 in BR Appendix C describes man-induced contamination problems from fertilizers, pesticides, and herbicides (many of which have been banned, but continue to have residual effects), often caused by improper application of these chemicals, and states that every community in the Kings River Watershed is impacted by water contamination. Page C-9 states that the Alta Irrigation District has entered into an MOU with the Cutler PUD and the Orosi PUD to evaluate the technical and economic feasibility of a surface water treatment plant that would use water from the Kings River supplies of the Alta I.D., introduced into the Friant-Kern Canal by exchange, to provide water to East Orosi, Orosi, Cutler, Sultana, and Dinuba to resolve their groundwater quality issues. What would be the likely timeframe for this surface water solution? Where would the money come from? How reliable is the surface supply? **What are the impacts of this situation on future development in the Kings River watershed portion of Tulare County?**

Kaweah River Watershed: Page C-10 of BR Appendix C states that the City of Visalia exchanges its CVP Cross Valley contractual water supply with the Hills Valley I.D., with the City making use of Kaweah River supplies held by a grower within the Hills Valley I.D. Page C-11 says that this exchange arrangement allows the City to hold its water in trust until a determination is made as to its future disposition. Is this a description of water banking? **Please explain these facts in terms of their significance to an understanding of the County's water resources and the GPU.** Is Visalia's arrangement a typical one? Does it affect reliability of water supply or ability to accommodate growth? Who makes the decision regarding the future disposition of the trust water, and what are the options for its use? Is this a good example for other urbanized areas to follow?

TABLE II: CVP Contract Quantities Kaweah River Watershed (p. C-10, BR Appendix C): The facts in this Table are presented without comment or explication. Are the five entities listed the only recipients of CVP water in the Kaweah watershed? **Can the Irrigation Districts use their water for any purpose they choose to (e.g., do they have to use it exclusively for irrigation, or can they trade or transfer or sell it to other entities, or could it be used to support residential or other types of development)?** Only about 1/3 of Exeter I.D.'s contract quantity is Class I water, only about half of Ivanhoe I.D.'s is Class I, and only about 1/3 of Tulare I.D.'s is Class I, so **the great majority of this water is Class II and therefore uncertain.** **Does this mean that as groundwater continues to decline and as global warming increasingly affects our area, there is also likely to be less CVP water available**

to take the pressure off groundwater supplies and to recharge groundwater? What are the implications of this for land use planning, intensive agricultural uses, and projected population growth?

Groundwater Trends: Page C-11 of BR Appendix C states that the Kaweah Delta Water Conservation District (KDWCD) recently found that “the overall underground reservoir” was being overdrafted at 17,999 to 36,000 acre-feet per year. Is there only one underground reservoir in Tulare County? Are the locations, dimensions, and relationships among the underground reservoirs in our area known? The “static groundwater trend is ever decreasing, as is the corresponding quantity of water being held in storage in the groundwater reservoir” per Visalia’s information. SWP water has “helped to abate the more serious decline in groundwater levels in eastern Kings County and to “abate the outflow of water from lands within Tulare County to lands within Kings County.” This implies that Tulare and Kings counties share at least one underground reservoir. **Please provide a graphic overview of what is known about these underground reservoirs.** Have some of them already been sucked dry? Do we know whether others are close to exhaustion?

The February 26, 2008, correctory provides “**Figure 4-7 – Groundwater Elevation Contours from Kaweah and Tule Groundwater Basin Maps for Spring 2004. Lines of Equal Elevation of Water in Wells, Unconfined Aquifers published by California Department of Water Resources.**” **What is the significance of this Figure? It is not discussed in any of the text.** Why is this snapshot view of groundwater elevation contours offered? Was the map for Spring, 2004, selected because it is significant for some reason, or is this the date of the only time such a map was produced? Is it supposed to increase our understanding of the groundwater situation and groundwater trends?

Please interpret this Figure and put it in context. Like so much of what is presented in the Background Report related to water, this information seems fragmentary, random, unexplained, and unrelated to the other information presented. This does not allow the public and decision-makers to gain a useful understanding of the County’s water situation.

Page C-12 of BR Appendix C states that Kaweah River Watershed is contaminated in various locations with DBCP, herbicides, pesticides, fertilizers, dry cleaning solvents, and petroleum fuels. It states that some purveyors have installed surface water treatment facilities on selected water extraction facilities, but it does not describe the cost or efficacy of these treatment facilities. It states that the principal method for dealing with contaminant-related issues is to shift to another area where water quality problems are absent, but it does not discuss the relative costs or the sustainability of this approach.

It states that “petroleum hydrocarbon contamination is an on-going process which has further impacted the availability of groundwater for consumptive purposes in numerous locations,” but it does not state the source of this contaminant, where these locations are or whether the hydrocarbon contamination is irretrievable. **How do these contamination issues affect land use planning and future growth and development?**

Can the contaminated water be used for purposes other than human consumption (e.g., for irrigation or for industrial use)?

Deer Creek/White River Watershed (p. C-17 ff, BR Appendix C): With the lowest elevation watershed in the County, this area has the highest dependency on imported surface water (CVP Friant Division contracts designed to abate overdraft and groundwater decline) for viability of its permanent crops and increasing number of dairies and their support lands; increasing water costs have significantly reduced its cotton acreage. Ironically, in very wet years, this area (e.g., Earlimart and Hwy. 99) is subject to flooding. **The GPU documents must discuss how these factors affect land use planning and future growth and development for urbanized areas in this watershed.**

TABLE III: CVP Contract Quantities – Tulare [this should be corrected to Tule] River Watershed (BR shows a great reliance in this watershed also on Class 2 water. The text below states that the Tule River Watershed **has the highest population impacted by lower quality groundwater** (contaminated with nitrates, chlorides, and DBCP) in the County, with the City of Lindsay, the Lindsay-Strathmore I.D. (serving the Tonyville and Strathmore areas), and the Strathmore PUD having had to construct and operate **surface water treatment plants to treat water from the Friant-Kern Canal**. Nitrate contamination in east Porterville and Plainview necessitated **extensions of pipelines** from the City of Porterville into the unincorporated area, while the Sunnyside School extended a pipeline from the Strathmore water treatment plant. Plainview's problem remains to be solved, while proposed **changes in water quality parameters for radon and arsenic could put other systems out of compliance** with state and federal drinking water criteria. The County's efforts to implement an improved **program for destruction of abandoned wells** is mentioned (page C-16), but **where is a related Policy or Implementation Measure** in the Water Resources Element of the GPR?

The GPU/DEIR must discuss the environmental ramifications of these issues, and how they affect land use planning and growth and development in this watershed.

Project Development Considerations (p. C-12, BR Appendix C): The City of Visalia's customer surcharge to develop groundwater management programs, purchase surface water for recharge, and purchase water rights for delivery into areas impacting the groundwater reservoir underneath the City is mentioned, along with the City's land-based charge on lands being converted from agricultural to urban uses to address the shift of water supply from conjunctive use to exclusive groundwater. **It is not stated when this program started or whether it has been determined to have a positive effect. If so, could other Tulare County communities adopt such a system for their own urban needs?**

Development along the Hwy. 65 corridor has **severely overdrafted the groundwater, causing adverse water availability and quality conditions**. Efforts to recharge groundwater basins are underway, but **no results are indicated**. Page C-21 indicates that the **Mid-Valley Canal program is inactive due to lack of available**

supply for long-term contracting and that Friant Division CVP water is being used primarily to try to reduce groundwater declines.

Again, this information must be specifically related to the GPU project plan, impacts, and alternatives.

Groundwater Quality (p. C-21, BR Appendix C): South of Terra Bella, specially designed wells are being used to select water from only identified aquifers in order to meet drinking water standards, but available quantities are limited because “taking water from too shallow of a zone, or from too deep a zone, results in significant diminishment of the quality to be delivered.” **What are the implications of this for land use planning and the future of agricultural development and population growth in this area?**

Page C-22 (BR Appendix C) states that the Pixley PUD is experiencing no problems with the capability to deliver a potable supply of water, but the DEIR (p. 4-107) states that Pixley’s water system has zero capacity, major arsenic problems, and lacks capacity to serve projected growth, with significant difficulties likely in expanding to meet projected demand.

Which of these contradictory descriptions is correct?

Page C-22 (BR Appendix C) states that for the area along the Hwy. 99 axis “reliance . . . as to safe yield of groundwater, on imported water supplies cannot be understated.” “Absent the imported CVP supplies, groundwater depths would reach levels where current commodity returns would not allow for economic recovery.” Table IV on p. C-19 indicates that about 40% of the Delano-Earlimart I.D.’s CVP water is Class 2.

How will the Friant-Kern litigation settlement impact the potential for growth and development in this area? Even if Class 2 water remains available to this area, how much additional growth and development can it support? This area used to have artesian water. Earlimart (per Background Report, p. 7-18) now has 600 foot deep wells, pumping at a water level of 250 feet.

How far down is it to groundwater in the other communities in this corridor? How rapidly is the groundwater level falling?

What are the likely impacts of accelerating global warming on the availability of imported water, and what are the likely impacts of the energy use and emissions of continually greater pumping on global warming?

How will the County’s declining groundwater and decreasing imported water supplies affect its agricultural economy?

Per page C-22 (BR Appendix C), water quality on the westerly side of the Deer Creek/White River Watershed is unacceptable due to arsenic, microsand, and various gases (such as hydrogen sulfide, methane, and natural gas). Alpaugh is trying to determine whether an “affordable method of arsenic reduction” can be developed, and is in

“Can’t Serve” status. The GPU/DEIR must discuss these issues in relationship to projected growth and development in this area.

Project Development Considerations (p. C-22, BR Appendix C): “Considerable planning is underway relative to development proposals along the Highway 99 corridor in the Deer Creek/White River Watershed. The maintenance of the groundwater reservoir through this area is dependent . . . on the continued capability to have available surface water sources available for delivery into the area. The impact of current litigation on the availability of surface water to the area remains in question . . . Natural recharge of the groundwater reservoirs underlying the communities of Earlimart and Pixley is insufficient to sustain the agricultural plantings in the area and the community water systems. . . . a response plan to address reduction of surface water deliveries to the area remains to be developed, if necessary.” WR-3.3 Adequate Water Availability (GPR p. 11-5) states that the County shall review new development proposals to ensure the intensity and timing of growth will be consistent with the . . . adequate . . . and sustainable water availability . . .” **Implementation Measure #19 (p. 11-9) says the County “shall adopt an ordinance to require new development proposals to provide suitable evidence of long-term water availability . . .”** The timeline for this action is 2007-2010. Given the County’s impending water emergency, this IM had better apply to all new development.

How can the communities in this area provide the water to support their projected 100% growth?

Integrated Regional Water Management Plans (p. C-23 ff, BR Appendix C): The text indicates that IRWMPs are needed to acquire state funding, but the funding is hard to get, and Tulare County doesn’t seem to be one of the State’s priorities. A coordinated County-wide Plan would probably have more clout, but IM #18 (GPR p. 11-9) says only that the County “will take steps” (in 2007-2010) to prepare and maintain an Integrated Regional Water Management Plan. Appendix C (p. C-24) states that “The absence of any infusion of state bond money related to water resources into the county will significantly curtail both planning and implementation efforts as the county strives to deal with the demands imposed by increasing population on the available water resources.”

The GPU must specifically discuss what steps the County means to take and provide a definite deadline for completion of its IRWMP. The GPU must also specifically and concretely discuss the meaning and implications of the statement that without state water resources bond money, the County will have to curtail planning and implementation efforts.

Water Quality (p. C-24 ff, BR Appendix C): The text points out that the RWQCB is taking action to terminate the 20 year agricultural water quality waiver for the Central Valley, replacing the long- term waiver with a short-term waiver and requiring water quality sampling, testing, and reporting at identified points on waterways, with the legislative push apparently favoring increased testing and reporting. Legislative and regulatory requirements are also tending to dictate decreasing quantities of allowable constituents and increased testing and reporting, with

compliance sometimes entailing increased costs related to construction and operation of contaminant removal facilities.

This section concludes that **“The planning efforts of the County should recognize the water quality implications related to [these contaminants, e.g., arsenic, DBCP, and nitrates] in planning for the maintenance of an expansion of cities and unincorporated communities”** While the GPR has several policies regarding collecting water quality information and protecting water quality, it seems to have only one regarding contaminated water resources, WR-2.6 “Degraded Water Resources” (GPR p. 11-4), which states that the County will “promote restoration where appropriate,” but its IM (#13, p. 11-8) has to do only with planning roads away from natural drainage channels. The difficulty and expense of removing the contaminants from water resources makes protecting the resources wherever possible from the introduction of these contaminants critically important. However, **as discussed above in the WR Element comments, the County’s policies and implementation measures in this area are inadequate, vague and weak.**

Appendix C of the Background Report concludes (p. C-27) that the San Joaquin River restoration litigation settlement could result in the loss to Tulare County of almost half the water it receives via the CVP Friant Division (over 450,000 acre-feet), which could “completely undermine the existing basis for Tulare County population, allocations and disposal.”

Please explain what the existing basis is for “population, allocations and disposal,” and clarify what those terms mean. It states that **“on the individual community maps, which are a part of the General Plan update,”** indication will be given **“as to the potential for impact if an adverse court ruling prevails”** by a box being checked; these maps will require **“future refinement”** when a final court decision is entered.

We could not find these maps with boxes and checks in the GPU documents. In the February 28, 2008, correctory, the statements regarding the community maps have been eliminated. Since the Tables in Appendix C indicate that many, if not most, of the County’s irrigation districts and communities are receiving CVP Friant Division waters, and that many of them, including Exeter I.D., Ivanhoe I.D., Tulare I.D., Lindmore I.D., Lower Tule River I.D., Porterville I.D., Saucelito I.D., and Delan-Earlimart I.D. are heavily dependent on Class 2 water, it seems the litigation decision could have enormous impacts on land use, planning, and development in our county, **so why have these marked maps been left out?**

There is also no mention of the litigation in the GPR’s Water Resources Element, but there should be, given the tremendous impact it could have on the County’s resources.

NOTE: The Correctory dated January 25, 2008, includes Figure 8.2 “Plan for Open Space – Tulare County,” to be inserted after Figure 8.1 in Chapter 8. This is a Tulare County GIS map dated February 2002.

Please include a more current edition, if available, in the January 2008 GPR. Figure 8.2 also has a note at the bottom stating that **“Hamlet Boundaries and Mountain Service Centers will be added to this Map.”** **When will these additions be made, and how will this information be made available to the public?**

NOTE on "THE WATER RESOURCES GENERAL PLAN UPDATE COUNTY OF TULARE" REPORT:

Page 4-105 of the DEIR (third and fourth paragraphs) notes that Section 15150 of the CEQA Guidelines states that an EIR may incorporate by reference another document *which is a matter of public record or is generally available to the public*, and that the report entitled "*Water Resources General Plan Update County of Tulare*," prepared by Keller, Wegley & Associates, is incorporated by reference as a part of the Background Report. Page 7-36 of the Background Report (second paragraph) states that "Additional information regarding water resources within Tulare County, including water contracts, agricultural deliveries, groundwater recharge, major watersheds, and project development considerations can be found in the report entitled '*Water Resources General Plan Update County of Tulare*' prepared by Keller & Wegley Engineering."

Obviously, this report is crucial to the GPU. The County's correctory dated January 25, 2008, included "Appendix C: Water Resources General Plan Update County of Tulare." The County was notified that Figures referred to in the correctory were not provided and was asked several times to provide the full report. The County's correctory dated February 26, 2008, included the referenced Figures. It also included slightly revised final pages of Appendix C.

The County has never provided the full report described in the GPU. The firm of Keller & Wegley stated that it could not make the report available to the public, even though the GPU documents state that the report is "a matter of public record or is generally available to the public." The report could not be found on-line.

Since the report evidently was the basis for much of the information in the DEIR and the Background Report, which "shall not supersede any of the documentation contained in the report that has been incorporated by reference," the full report, under CEQA, should be made available to the public or provided as part of the public record.

BR Appendix A (Excerpts from Tulare County CEDS) of the January 25, 2008, correctory is dated June 2004. It lists 38 projects and their status, showing 5 underway, 1 in the design phase, 20 in the study phase, and 12 on hold. Please provide a brief update on the status of these projects, since many of them seem related to the capacity of their communities to support growth.

12. TRANSPORTATION & CIRCULATION

Given the requirements of AB32, the diminished health and safety of its citizens already suffering from some of the worst air quality in the nation), and the higher fiscal costs to the County of the continuation of its current sprawling development patterns, the GPU must direct growth into the efficient, compact, healthy patterns that reduce automobile dependency and ever-increasing VMTs. The policies and implementation measures in the Transportation and Circulation Element do far too little to advance that priority. In the Public Transportation and

Other Transportation Modes sections, the policies are almost universally vague and weak in their wording (“support,” “work with,” “evaluate,” “encourage,” “promote,” “consider”) and all but two of them have timeframes that are “Ongoing,” indicating that they are already in effect (although all the policies are labeled as “New”).

Please clarify and strengthen these policies and provide them with concrete, measurable IMs.

TC-4.4 “Nodal Land Use Patterns that Support Public Transit” (p. 12-6): This Policy will only “encourage” land uses that generate higher ridership to be clustered within a convenient walking distance of one another; it has no Implementation Measure. **Please clarify and strengthen the Policy and provide it with a concrete, measurable IM.**

TC-4.5 “Transit Coordination” (p. 12-6): Please clarify this vague Policy (how will the County “encourage” coordination to support better connectivity?). The only IM for this Policy (#20, p. 12-10) states that the County will work with transit operators to develop a Fast Pass system for transfers (this is labeled a New Implementation Measure, but its timeframe is “Ongoing”); **please include additional IMs to improve connectivity between County and City systems, such as coordinated schedules and stops, stops that connect to bikeways, and the provision of bike racks on all buses.**

TC-5.1 “Bicycle/Pedestrian Trail System” (p. 12-6): Please add to the Policy statement: “. . . trail system that provides a linked network with access to recreational, cultural, *educational*, and employment facilities”

Implementation Measure (#21, p. 12-10): Please change “will” to “*shall*” (“. . . projects *shall* be conditioned to incorporate . . .”).

Implementation Measure (#22, p. 12-10): As evaluation is not implementation, please change to: “The County shall *require the provision of* facilities for non-motorized users (e.g., bicyclists, pedestrians) *as appropriate* in new development projects.”

TC-5.2 “Consider Non-Motorized Modes in Planning and Development” (p. 12-6): Please strengthen this important Policy: “The County shall *emphasize* incorporating facilities for non-motorized users” (“require,” of course would be preferable to “emphasize”). “For developments with 50 or more dwelling units or non-residential projects . . . demand, *the provision of sidewalks shall be the minimum requirement.*”

The Transportation and Circulation portion of the **Background Report, Section 5.12 “Non-Motorized Systems,” “Existing Conditions” (p. 5-84)** describes the Tulare County Regional Bicycle Plan, and Figure 5-8 (p. 5-85) depicts it, showing several routes around the County. Neither the Figure nor the text indicates the status of the bike routes depicted. The Tulare County Regional Bicycle Plan (consulted online) shows under “Existing Bikeways” **in the unincorporated County a single bikeway, in Three Rivers, along SR 198.** This bikeway is shown in

Figure 5-8 as a Class I (separate path) facility. We live in Three Rivers and know that this bikeway shares the roadway (with a stripe, making it Class II).

The Background Report should be revised to provide accurate information about the status of the routes of the Regional Bicycle Plan.

The Background Report (p. 5-86) states that county standard sidewalks are provided within and around school and recreational areas “where appropriate and enhance the safety of those who choose to use these facilities.” **The Background Report should be revised to state where such sidewalks have not been provided and what factors designated those locations not “appropriate.”** Shouldn’t all school children be afforded the safety of sidewalks around their schools and recreational areas?

The Background Report (pp. 5-86-87) describes the Safe Routes to School (SR2S) program and states that many agencies in Tulare County are eligible to apply for funding; **the Background Report should be revised to indicate whether any Tulare County agency has applied for the funding and what the results have been,** because it lists many benefits of active modes of transportation, including increased physical activity, healthier lifestyle, less traffic congestion, safer streets and neighborhoods, and improved air quality and a cleaner environment.

The Background Report states (p. 5-91) that public transportation is used by only 0.5% of commuters in the County, and that there are only two Park and Ride parking areas (comprising 38 spaces total) in the entire County, with the possibility of a third in the future (p. 5-92); the Background Report should be revised to discuss whether public transportation routes and schedules conveniently connect major employment centers to the areas where their workers live, and whether the Park and Ride facilities are adequate to demand.

The Background Report (p. 5-92) brings up Jobs to Housing Ratio, or jobs-housing balance, but never relates it specifically to Tulare County, examining the types and wages of jobs available in our various communities versus the skills of workers and housing costs; **this section should be revised to do so.**

In short, **the Background Report too often fails to relate its general information to Tulare County specifically and to provide a detailed description of existing conditions that will enable the reader to meaningfully relate the background information to the land-use planning and environmental information in the GPR and the DEIR; it must be revised to do so.**

The DEIR (p. 5-18) states that the GPU would result in a substantial increase in public transit usage. It supports this statement by saying that “Largely market driven, transit service will expand as needed and will be self mitigating” (p. 5-19). Is it actually the case that market-driven transit service will expand as needed, or will it only expand if that will be profitable? Has market-driven transit proven to be the most successful method of increasing ridership and thus reducing air quality impacts and GHG emissions? Aren’t land-use policies that direct development into compact, efficient patterns centered on existing urbanized areas, with their job opportunities, commercial and service centers, and educational, recreational, and cultural opportunities much more likely to promote the use of public and active transit (and to create and enable a market for it)?

Isn't it even then usually the case that public agencies must at least partially fund a successful transit system (realizing that the cost is offset by the benefits to air quality, reduction of congestion, reduction of GHG emissions, reduction of parking space requirements, etc.)? **The related policies and implementation measures, as discussed above, are generally too vague and lacking in concrete implementation measures to be relied on to substantially increase public transit usage.**

The DEIR indicates that the County's primary approach to transportation and circulation issues will continue to focus on adding lanes to roads and adding and improving interchanges. **The DEIR should be revised to discuss the role of land-use patterns and efficiencies in affecting traffic levels and enabling greater reliance on public and active transit.**

The DEIR should evaluate the relative costs of providing suitable levels of service for transportation and circulation with compact, efficient development compared to sprawl development.

The DEIR should evaluate the impacts on public health and safety, air quality, and GHG emissions of transportation and circulation under compact, efficient development centered on existing urbanized areas compared to current inefficient, vehicle-centric development.

The DEIR states (p. 5-20) that "Transportation and circulation needs are closely tied to the location and distribution of land uses"; the DEIR should be revised to explain how the GPU functions to locate and distribute land uses so as to facilitate meeting transportation and circulation needs.

The DEIR states (p. 5-21) that implementation of Policies TC-5.1 through TC 5.9 and of the Tulare County Regional Bicycle Plan "will minimize growth inducing impacts that are anticipated to occur with implementation of the General Plan Update." Since most of these policies are too vague to be enforceable ("coordinate," "consider," "encourage," "support") and since most of their implementation measures are also vague and "Ongoing," **the DEIR should explain how they have minimized growth-inducing impacts to date and how well they can be relied on to do so in the future.**

13. PUBLIC FACILITIES AND SERVICES

Here, as is the case in this GPU, information on a particular subject area is, and probably necessarily so, often scattered throughout the component documents. **It would be very helpful to readers and decision-makers if that information could be at certain critical points combined and synthesized to provide a convenient reference point as an aid to evaluating related information. It is also important to ensure that the information provided is consistent and complete, not inconsistent and confusing.**

For example, in reading the PFS Element, it would be very helpful to have summarized in one spot the background information regarding this subject for the unincorporated developed areas. The 21 communities are listed on p. 2-6 of the GPR and mapped in Figure 2.2-1 collectively and then individually in following Figures (confusingly, Figure 2.2-11 maps the Patterson Tract UDB, although this has not been identified as a

community, nor as a hamlet). The 11 hamlets are listed on p. 2-9 of the GPR, mapped collectively in Figure 2.3-1 and then individually in following Figures. The 8 incorporated cities are listed on p. 2-10 of the GPR, mapped collectively in Figure 2.4-1, then mapped individually in the following Figures. The Patterson Tract appears on Figure 2.4-8 (City of Visalia). But what is the Patterson Tract?

MAPS RECOMMENDATION: The maps should be revised to indicate the current population and area (acreage) within the existing development boundary for each urbanized area shown, and to also indicate the proposed population capacity under the GPU buildout and what the acreage difference is between the UDB and the UAB (in many cases, would the proposed urbanized area changes have to be an approximation; e.g., with hamlets, of the acreage currently developed and the acreage within the proposed HDBs?). This would help readers and decision-makers to “see” where we are now in terms of population and area urbanized for each of the communities, hamlets, and incorporated cities, and what is proposed under the GPU.

Please provide baseline maps with this information and then maps that show the expected build-out under EACH of the DEIR Alternatives. Please also indicate on the maps where the various TYPES of land uses would occur under the different DEIR Alternatives.

In the Background Report (BR) Public Service and Utilities Section, Table 7-1 – Community Water Suppliers (p. 7-12) lists the communities, but omits Sultana and East Orosi. Page 7-13 of the BR lists “additional unincorporated urban areas” not formally designated as communities. These 13 areas are the 11 designated as hamlets in the GPR (p. 2-9), plus East Orosi and Sultana, which the GPR designates as communities. The following pages provide discussion of the information for the communities (except Sultana and East Orosi), as summarized in Table 7-1 (only Poplar is indicated on p. 7-23, but, presumably, that information is for Cotton Center as well). There is no Table to summarize the water situation of the hamlets. Next, there is discussion of Allensworth (a hamlet) on p. 7-29 ff, then a brief discussion of East Orosi. This is followed by a discussion of the Ponderosa CSD (p. 7-31 ff). Ponderosa would presumably be part of the Mountain Framework Plan, but I don’t find it listed on p. 4-1 in the MFP, nor do I find it in the map figures following p. 4-8 in the MFP. Why is Ponderosa briefly discussed, but not the other developed areas in the Mountain Framework Plan (Alpine Village-Sequoia Crest is mentioned on BR p. 7-41 as having a septic system, but nothing is said about its water)?

Page 7-33 of the Background Report mentions Delft Colony (a hamlet), Traver (a community), and Yettem (a hamlet) as zones of benefit, and states that Seville (a hamlet) is included in the Yettem water zone of benefit, but served by a private water company. These urbanized areas are under County Service Area governance, but no information about water quality or capacity is provided here. The Wells Tract is mentioned next, but it is neither a hamlet nor a community. Is it proposed for growth? Is it on one of the maps? No water information is provided on the remaining hamlets (East Tulare Villa, Lindcove, Monson, Teviston, Waukena, West Goshen).

Please provide this information completely, consistently, and logically.

The correctory dated January 25, 2008, includes 28 maps showing CSDs, PUDs, CSA # 1 and #2, the Lemon Cove Sanitary District, the Terra Bella Sewer Maintenance District, and Tulare County Water Works District No. 1. One map depicts **Tract 92 CSD**; we have encountered no other information about Tract 92 in the GPU documents, except that it appears in the NOP Mailing List. Ditto for **Tulare County Water Works District No. 1**. **Why are these two entities mapped but never discussed?**

Page 7-35 of the BR lists the “**Can’t Serve**” **Special Districts**: Alpaugh (community), Cutler (community), Delft Colony (hamlet), Earlimart (community), **El Rancho Zone of Benefit** (neither hamlet nor community), Orosi (community), Pixley (community), **Pratt Mutual Water Company** (unexplained; a Google search reveals that it appears to serve the City of Tulare), Richgrove (community), Seville (hamlet), Tooleville (not a hamlet or a community; is it proposed for growth? Is it on a map?), Traver (community), and Wells Tract (neither hamlet nor community). Page 4-107 of the DEIR lists **water supply conditions for the communities, but not the hamlets or the “other” urbanizing unincorporated areas.**

We hope you can see how confusing this is. **How many different places are we dealing with in the water section? Why can’t the information be obtained for so many of the hamlets? Why are a few places that are neither hamlets nor communities being included, but not others? Why can’t all the places that are going to be discussed be put into one table, so that we can get the overview information all in one place? Why can’t that table cover both water and sewer/septic information together in brief form? It would be helpful if the table also showed the population of the places listed, and if the table showed critical information such as “Can’t Serve” status.** (We find population information in many different formats, based on different sources, and for different years in the various documents; Table 4-4 on DEIR p. 4-106 is in the Domestic Water Overview section, but it lists only the communities, not the hamlets or “other” urbanizing unincorporated areas.)

Turning to **Sanitary Sewer Infrastructure (BR p. 7-36 ff)**, we become more confused by inclusions and omissions and no comprehensive table. **BR p. 7-41 lists areas that lack sanitary sewer infrastructure and are served by individual or community septic systems.** These are Allensworth (hamlet), Alpaugh (community), **Alpine Village-Sequoia Crest** (not a community, not a hamlet, not listed or mapped in the Mountain Framework Plan of the 01/08 GPR), Ducor (community), East Tulare Villa (hamlet), Lindcove (hamlet), Monson (hamlet), Plainview (community), Ponderosa (not a hamlet, not a community, not shown in MFP), Three Rivers (community), Teviston (hamlet), Waukena (hamlet), West Goshen (hamlet), and **“other unincorporated areas not listed in Table 7-2.”** So we go to Table 7-2 (BR p. 7-43) and find 26 service providers listed, most of which can be easily related to hamlets and communities. But what is **Porter Vista PUD** serving? **Earlimart PUD** is shown at **100% capacity** in Table 7-2, but on p. 7-45, it is said to be operating at **65% capacity.**

Storm Drainage Infrastructure is discussed on BR p. 7-58 ff. In the introductory paragraph, does the statement about the “small communities” refer to the hamlets as well (and the other places mentioned in the water and sewer sections)? The only storm drainage systems discussed are for Cutler-Orosi (BR p. 7-65) and Goshen (p. 7-68). Plans are mentioned for Earlimart (p. 7-68) and Poplar-Cotton Center (p. 7-69), and the implication is that something is going to be built in Richgrove (p. 7-69).

Is it correct to assume that for all the other unincorporated communities and hamlets (and other places mentioned in the earlier sections) the information on BR p.-58 is applicable, that they have “. . . only surface drainage which is more subject to flooding, and/or not properly functioning due to little or nonexistent facility maintenance . . . a potential threat to wildlife, farm animals, and groundwater supplies . . . because there is limited ability to treat the water before it flows into a basin, or other surface waters, such as a creek, irrigation ditch, or river . . . [it can] pick up contaminants from paved surfaces including but not limited to oil, antifreeze, and rubber.” Or is it just that they’re not being covered “. . . due to the time intensive efforts of evaluating the storm drain infrastructure of each community?”

Please provide in the single comprehensive overview table an indication of the storm drainage situation for the places under consideration for development.

INADEQUACIES OF TABLES: Consolidating this information and making it quickly accessible is very important because the public and decision-makers need to be able to readily locate and compare the basic facts about the infrastructure of the unincorporated areas being proposed for development. The DEIR Alternatives and the Policy Alternatives document offer choices, but there is no comprehensive, consistent, consolidated table to provide a factual summary with which to consider the relative desirability and feasibility of the alternatives.

We have just briefly reviewed the confusing inconsistencies and lacunae in the Background Report’s information. The Policy Alternatives document does offer population information in a Table called **Capacity within Tulare County** (p. 9), but it shows only 20 of the communities (omitting Sultana), and none of the hamlets, or any of the other (seemingly random) places mentioned above in the Background Report that are neither communities nor hamlets. (The Policy Alternative remarks on p. 8 that the cities and communities alone could easily accommodate much more growth than that projected under the GPU.)

A Table on p. 12 of the Policy Alternatives (Selecting Focus Communities for Community Centered Alternatives) lists water and sewer information for the communities only (omitting Sultana), but it frequently does not match the information provided in the Background Report (e.g., it says water information is not available for Alpaugh, whereas the BR states that Alpaugh is in “Can’t Serve” status, has 295 water connections, arsenic, flat rate, etc.; it lists “East Porterville,” which is not listed in the GPR or in the BR as a community or a hamlet or a place, etc.; says no information is available for Lemon Cove, when the BR provides information, etc., etc.)

INADEQUACY OF INFORMATION AND ANALYSIS: DEIR page 4-106 (below Table 4-4) states that “water system descriptions and analysis for hamlets, and other unincorporated areas are not analyzed in detail as a part of this EIR analysis since projected growth for these areas has not been specifically modeled, and much of the information regarding these small water systems is still being obtained” **What is the logic of this, when some of the hamlets and “other” areas have larger populations than some of the communities (e.g., Delft Colony -- about 500, Seville – about 1000, E. Porterville – about 6700, etc.)?**

Shouldn't the County already have the information for the eight urbanizing areas that are in CSA #1 and CSA #2; sanitary sewer information is provided for them, so why not detailed water information? Given that the GPU has been in preparation for several years, surely this information could have been obtained for all the urbanizing areas discussed in the various GPU documents. How can growth be planned and allocated without information on the absolutely fundamental criterion of water availability and quality?

DEIR p. 4-106 goes on to say that “Policy PF-3.3 of the General Plan would require the County to ensure that Hamlet Plans are updated and maintained” and “a discussion of the hamlet’s [*sic*] short- and long-term ability to provide necessary urban services is also to be provided within Hamlet Plans.” **Do any of the hamlets currently have plans? If not, how can they be updated and maintained? The first Implementation Measure (#17 on GPR p. 2-18) for Policy PF-3.3 has a timeline for commencing in 2010-2015. Unfortunately, given the number of years it takes to get a community plan written or updated, it seems very likely that many of the hamlets may not get their plans completed within the GPU time horizon.**

INADEQUACY OF ALTERNATIVES: The Policy Alternatives document says on p. 12 that the Transportation Corridors Alternative selected communities adjacent to State Routes 65 or 99 for a greater share of growth projected for the communities, while the Rural Communities Alternative selected those with Redevelopment Project Areas established or pending, but **did NOT consider the communities’ water and sewer systems capacity. How can a factor so critical to the ability to grow not be considered in selecting the candidate areas for growth and the Alternatives?**

In the DEIR, Chapter 7, Alternatives to the General Plan Update, 7.2 Factors Considered in Selection of Alternatives (p. 7-2), we learn that the alternatives in the EIR” were selected in consideration of one or more of the following factors,” with the third bullet being “the potential feasibility of the alternative, taking into account site suitability, economic viability, availability of infrastructure, and consistency with various applicable plans and regulatory limitations.” Surely, availability and capacity of infrastructure should be a key consideration in the selection process, but this is never specifically addressed in the discussion of any of the alternatives in the DEIR.

Nowhere in the GPU documents is there any discussion of the approximate cost and time that would be required to bring, for example, the 13 unincorporated areas listed in the Background Report as “Can’t Serve” into a condition where they could accommodate any additional development; this critical factor must be discussed.

Furthermore, what are the conditions that caused so many of the unincorporated urbanizing areas to become so critically straitened in terms of their water and sewer situations?

For example, on DEIR p. 5-36, 25 urbanizing areas are listed with their existing wastewater connections and their projected 2030 needs, based upon “preferred General Plan Alternative, with necessary adjustments for analysis purposes.” (The “based upon” makes no clear picture in our minds; which Alternative is this, and what adjustments were made?)

Of the 25 areas listed, at least 12 are “Can’t Serve” areas (BR p. 7-35), 7 more are listed as at or near or over capacity for water or sewer, one more has bad nitrate problems with its well water, and another has serious infrastructure problems, leaving only two, Ivanhoe and Woodville, that seem to be in good shape in terms of both water and sewer.

Yet Table 5-5 (EIR p. 5-36) indicates by its 2030 projected sewer needs that seven of these areas are projected to grow over 100% (some much more) and another seven to grow 70% or more. On what basis are these projections being made? On the basis of desire for growth? Need for growth? Feasibility of growth?

How will these urbanizing areas provide the tremendous increases in capacity for not only wastewater treatment, but also for the provision of clean, safe, adequate water supplies? (Page C-6 of Appendix C, issued 01/25/08 states that Springville’s PUD Board has had a “self-imposed sewer utility moratorium . . . in response to the lack of an adequate method of disposing of the treated wastewater stream” since 1982; that’s 25 years, longer than the planning horizon of the GPU.)

We could continue in this vein, but surely the above comments will suffice to show that the presentation of the information on this critical subject is not clear, consistent, coherent, comprehensive, or coordinated, leaving readers and decision-makers to wonder how they can rely on it to enable understanding of the background situation, future needs, and the alternatives for growth. **Please extensively expand, revise, reorganize, logically and consistently present and analyze, and coherently summarize the information in this section, relating it clearly to land use and growth and development policies, so that the public and decision-makers may confidently rely on it.**

As for the Policies and Implementation Measures in the Public Facilities and Services Element of the GPR, the same basic comments apply here as in all the other Elements: **Please make the vague, unenforceable Policies (“encourage,” “support,” “promote,” “consider”) specific and clear; please provide all Policies with concrete, measurable Implementation Measures with Timeframes consistent with the urgency of the need for the implementation.**

PART II AREA PLAN POLICIES

CHAPTER 1. RURAL VALLEY LANDS PLAN

Page I-1 (paragraph 4) states that “prime agricultural land is an irreplaceable natural resource,” and that, “from a property tax standpoint, *agriculture is the only land use that pays for itself when industrial and commercial property is given a cost based on total urban expenditures by government*” (paragraph 5). Paragraph 6 states that “much of the blame for wasteful checkerboard sprawl lies with the lack of an effective system to direct new development into better patterns.” Does the County believe that these statements are true? If so, it should ensure that this GPU contains clear, enforceable policies and concrete implementation measures that will ensure that new development is resource-efficient and is focused in our existing urbanized areas and that will offset unavoidable impacts to agricultural lands with mandatory mitigation measures such as permanent easements at a minimum 1:1 ratio.

CHAPTER 2. CORRIDORS (p. 2-1 ff)

C-1.3 “Scenic Corridor Protection Plans” (p. 2-1): Please cross-reference this Policy to Policy SL-2.1 (p. 7-3) and please explain how these two policies are related to each other. Policy C-1.1 (p. 2-1) mentions Scenic Highway Corridors only along eligible State Highways; what about Scenic County Road Corridors? Please clarify.

C-1.4 “Regional Growth Corridor Plans” (p. 2-1): Please explain why the County is proposing these Corridors outside of HDBs, UDBs, or UABs. C-1 states that the Corridors are to provide “an economically viable and balanced land use pattern along major transportation corridors in Tulare County.” What prevents locating “economically viable” land uses within existing urbanized areas that already have infrastructure (roads, water, sewer, lights, police, firefighters, etc.), services for employees of the new development (e.g., food, fuel, retail), and a labor pool living right there?

The County already has many urbanized areas along State Highways 99 and 65. Why would it not be better for air quality to locate the businesses where the people are? Wouldn't it better maintain our viewsheds and our rural character to focus new development on existing urbanized areas? How does it benefit our existing communities to locate businesses outside of their boundaries? Wouldn't the Regional Growth Corridors have much less adverse impact on agricultural and natural resource lands if they were located in already-urbanizing areas? Wouldn't the Regional Growth Corridors not only induce additional sprawl, but be sprawl themselves? Please explain what makes these strip developments “balanced” land use patterns.

The GPU should provide a well-reasoned discussion, covering all these points, to clarify why the County is proposing these corridors instead of development based on smart growth principles. The County's citizens told the County they wanted growth centered on existing communities, and they wanted agricultural lands and open space preserved. **Why is the County promoting the opposite with these Regional Growth Corridor Plans? How do these Growth Corridors benefit the majority of the people of Tulare County?**

C-1.5 “Agricultural Enterprises” (p. 2-1): Same comments as for C-1.4.

C-1.6 “Regional Growth Corridor Opportunity Areas – Interim Policy” (pp. 2-1 and 2-2): The County should not proceed on the basis of this interim policy. This interim policy allows approval of conversion of greenfield agricultural land and open space for any reason (“any other relevant factor considered on a case-by-case basis,” p. 2-2). This is completely unacceptable because it completely contradicts the principles of smart growth, the County’s stated commitments to preserving agricultural and open space and to reinvest in existing communities and hamlets, and the people’s priorities; it provides for no input from nearby communities and for no mitigation. **Please delete Policy C-1.6.**

Implementation Measure #3 (p. 2-4): We ask that you delete this IM, along with Policy C-1.6. **If you do not delete this IM, then please revise it by changing its three “should”s to “shall”s.**

Implementation Measure #4 (p. 2-4) states that the “County shall establish a committee . . . to develop corridor plans for State Highways 65 and 99, including phasing and financing measures that builds on valley-wide efforts by Caltrans and the Great Valley Center.” The timeframe is 2007-2010. **A specific deadline should be set for the completion and adoption of these corridor plans, and the County should not approve any corridor development prior to adoption of these plans: NO Regional Growth Corridor development on an “interim policy” basis.** The development so allowed will be permanent, not interim, without the benefit of the plans developed by the committee.

CHAPTER 3. FOOTHILL GROWTH MANAGEMENT PLAN (p. 3-1 ff, Part II)

INADEQUACY OF GPR INTRODUCTION TO FGMP: The County has repeatedly assured the public during the GPU process that the Foothill Growth Management Plan (FGMP) has been restored WITHOUT CHANGES to the GPU. If so, why isn’t the original FGMP simply reprinted in its entirety in the Area Plan Chapter 3? The reader is now compelled to go back and forth between the text of the draft GPR and the text of the original FGMP to find out what whether the FGMP has been changed.

The Matrix (p. 284, under F-1.2) states that “The FGMP has been added back into the Goals and Policies Report, reflective of staff’s desire all along” and (p. 294) “It was staff intent all along to carry the FGMP forward unchanged, except for deletion of the obsolete sections.” **Please explain** why the original FGMP has not been simply reprinted in the GRP; why has it instead been disassembled, re-organized, split up, and changed in its emphasis and meaning, contrary to what the public was told? **What is the underlying rationale** for these changes? **What are the likely impacts** on the foothills of the GPR’s many changes to the FGMP, individually and cumulatively?

Please restore the original FGMP (modifying the parts, of course, that have already been accomplished, such as the Springville Community Plan).

The introduction to this Chapter (p. 3-1) must explain how and why the FGMP has been changed in the draft GPR update, the impacts and potential impacts of these changes, and whether additional implementation or mitigation measures are needed as a result of the impacts. Is it the intent of this GPR to incorporate the original FGMP by reference? If so, this must be specifically stated in the GPR.

INADEQUACY OF BACKGROUND REPORT RELATED TO FGMP AREA: The Background Report should include a detailed, current land use map for the Foothill Area and its development corridors, showing land use designations and features as discussed below, so that readers can “see” the existing conditions; it should also include a detailed map showing the Foothill Area as proposed under buildout of the GPU. The Background Report should include a detailed discussion of the conditions that exist within this Plan Area; its current two paragraphs (pp. 3-19 – 3-20) are inadequate to describe this large, varied plan area and its development corridors.

The Table on BR p. 3-20 indicates number of acres for various land uses, but does not show its information in a map, and does not depict how the 86,138 acres designated as development corridors are apportioned among the various corridors, how they are zoned, how many of these acres are already developed and how many are available, how the population is apportioned among them, where and in what types of land uses the area is growing, etc.

Please provide this information in text and in a clear map format.

Page 5-2 of the Background Report states that the FGMP was adopted in 1981, but does not say that it has been amended. However, notes below some of the FGMP Policies in the GPR (e.g., FGMP-2.2 and FGMP-2.3) appear to indicate that it has been amended.

Please clarify whether and when the FGMP has been amended.

Page 23 of the original FGMP states that its Foothill Development Standards were to be adopted by Ordinance; was this ever done? If so, what’s the Ordinance? It should be referenced.

INADEQUACY OF DEIR RELATED TO FGMP: As is the case in all instances with this DEIR, it does not, with regard to the FGMP area, provide a clear, quantified description of the direct or indirect impacts of the project, despite the fact that the project area is being slated for at least one huge development project (Yokohl Ranch: 10,000 houses, 30,000 people, golf courses, resort, large commercial area, many new roads, wastewater treatment plant, dam, reservoir, etc.) which is not even in a foothill development corridor, but which the DEIR states (p. 8-5) is being taken into consideration for the cumulative impacts discussion and analysis.

The DEIR must provide non-generic, FGMP area-specific qualitative and quantitative analysis of impacts, including cumulative impacts, of the proposed project. The foothill area of the project differs substantially in many respects from the valley area of the project (slopes, drainages, wildlife, wildfire, wildland

interface, running rivers, water supply, recreational opportunities, road types, etc.) and so **requires analysis based on its own characteristics** and how they affect and would be affected by the proposed project.

For example, in what areas and to what degree will the proposed project impact the existing visual identity and character of the FGMP area, which is one of the most scenic in the County? How many acres of agricultural lands will be urbanized under the proposed project in this area? How many additional VMTs will likely be generated, and what will be the impacts on air quality, including scenic vistas? What wildlife species, habitat areas, and migration areas will be impacted? How many acres and where? In what areas will the project impact how many known or likely cultural resource acres? How many acres of critical riparian areas and woodland will be impacted, and in what areas? Existing foothill communities and individual properties are experiencing significant problems with water supply and quality and with wastewater disposal; how will the proposed project impact these issues, including loss of groundwater recharge areas?

The DEIR must also thoroughly discuss the direct, indirect, and cumulative impacts of permitting development outside of the FGMP's designated development corridors. Traffic and transportation impacts must be discussed and analyzed with the same thoroughness, especially quantifying the fiscal impact to the County of improving and maintaining foothill roads under the quantified proposed increases in traffic.

It must also specifically assess **the FGMP area project's impacts on global warming, and the impacts of global warming on the project, and discuss how the proposed project in the FGMP area will further Tulare County's compliance with the requirements of AB32.** Discussion of excessive VMTs, loss of large-canopy trees and forest areas, quantification of additional acres of impermeable hardscape, etc. must be addressed in this evaluation.

The DEIR must also qualitatively and quantitatively assess the adequacy and efficacy of the project's policies and mitigation and implementation measures as remedies to the adverse impacts described. It begs the question to simply describe all the impacts as "significant and unavoidable" without making an honest effort to relate to them the effects of the project's proposed remedies and to determine whether they should be strengthened or added to.

The DEIR (p. 3-14) states that the FGMP applies to all lands designated Foothill Agriculture (FA, which has a 16—acre minimum parcel size, with maximum density of 1 DU/80 acres with one additional unit allowed for every 40 additional acres over 160). **Please depict on the FGMP detailed map the areas that are zoned FA. How many acres are zoned FA? DEIR p. 6-3 refers repeatedly to "the Land Use Diagram." What Land Use Diagram? Where is it?**

GOALS AND POLICIES REPORT:

"Foothill Growth Management Plan" (GPR, Part II, p. 3-1): The penultimate sentence states that the FGMP "utilizes four development types that are geographically limited to two areas" outside Three Rivers and Springville. **Please explain: What and where are these two areas, and how are they geographically limited?**

“Development Corridors” (p. 3-1): The second sentence states that the development corridors are “designated on the Land Use Diagram.” **Where is the land use diagram? Please provide it and make it clear and comprehensive.** It is referred to in each of the paragraphs on development types.

This paragraph states that development corridors are designated as **Foothill Mixed-Use**. This **FMU designation (GPR, p. 5-11)** states that **Maximum Density is 15.0 DU/Acre** and **Maximum Intensity is 0.25 FAR**. But the **Development Standards in the FGMP (1981; p. 38)** state that “the residential density of a new development shall be initially limited by the amount of water available for domestic and fire fighting purposes based on water demand specifications provided by the Tulare County Health Department and the County Fire Warden. A more specific residential density shall be determined in the site plan review process. The final allowable density shall correspond to how well the proposed project meets the goals and policies of the FGMP. As a guideline, the maximum density for land with slopes between 15 percent and 29 percent shall be one residential unit per two and one half acres . . .” etc.

So, which is it going to be, the standards in the original FGMP or new standards imposed by the GPU? The original FGMP was, in most respects, a resource-based document, which balanced locating development in the foothills with a recognition of the environmental constraints and values of this important region. The GPU, unfortunately, seems less concerned with recognizing these constraints and values.

For adequate baseline and project impact analysis, please describe and map the current conditions in the Foothill Area, including specifics on Development Corridors, such as their current and proposed (if different) acreage, their current and proposed populations, their current and proposed land usages, their current infrastructure (e.g., water and sewer systems, police and fire protection, etc.), the development corridors’ major riparian areas designated as open space, the corridors’ identified wildlife habitats, the corridors’ sensitive wildlife areas designated as open space, the current and projected availability and quality (e.g., radon, nitrates) of water, etc.

Please correct the text in Chapter 3, which oddly changes some of the original FGMP’s words. **For example**, p. 3-2, top left column says the first level involves the “*demarcation*” of lands; the word was “*designation*” in the original (p. 3). On p. 3-3, third paragraph, the new text says the road system is designed to “*maintain*” the environmental hazards; the original (p. 5) says to “*minimize*” environmental hazards. New text p. 3-4, top right paragraph says “unless the property has been “*truly*” developed, while the original (p. 8) says “*duly*” developed.

Please explain: On p. 3-4, top right paragraph, the new text says that when a preserve within a corridor is disestablished, “it must be zoned consistent with the requirements of the Williamson Act”; the original (p. 8) says “it should be immediately rezoned to the Planned Development-Foothill (PD-F) Zone.”

3.1 Foothill Growth Management Plan Policies

FGMP-1 (p. 3-6): Please explain which goal this is in the original FGMP, referencing the page number.

Page 3-6 of the new text suddenly departs from the format and organization of the original FGMP. **Please correlate each of the ensuing goals and policies to their location by page number in the original FGMP and make sure that they match.**

For example, please correct FGMP-1.2 “Rural Agricultural Land Densities” (p. 3-6), which cites FGMP original p. 13, goal 3, policy 3-4. The referenced FGMP original policies deal with designing new development to preserve visual quality and not exceeding physical holding capacity, **not** with Rural Densities per se. **Furthermore, where in the original FGMP are 40 acre minimum parcel sizes required** if average slopes are 30 percent or greater, and minimums in excess of 40 acres on parcels with average slopes exceeding 35 percent? **Are these new policies in the UNCHANGED FGMP?** The FGMP does state on p. 15 #1 that “*environmentally sensitive areas within the development corridors . . . should be maintained as open space such as areas characterized by floodplains, steep slopes (30 percent or greater), “etc.”*

FGMP-1.3 “Identity of Foothill Places” (p. 3-6) has as its Implementation Measure #1 (p. 3-13), which states that “The County shall concentrate rural and urban development in the development corridors.” The original IM (p. 35 of the original FGMP) stated “. . . in the development corridors *only*.” **Why** was the final word “only” omitted, weakening this measure?

FGMP-1.4 “Grading” (p. 3-6) has as its Implementation Measure #2 (p. 3-13), which says that the County “shall amend the Tulare County’s Improvement Standards to reflect changes in foothill, street and grading standards.” Please omit the first “the” and remove the comma after “foothill.” This IM appears on p. 23 of the 1981 FGMP. The GPU timeframe for working on this IM is shown as 2010-2015. **Does this indicate** that well over 30 years can go by between the time that an Implementation is first approved as part of a plan and the time that it will actually be addressed? What standards apply in the meantime?

FGMP-1.6 “Establish Citizens Advisory Committee (p. 3-6), Implementation Measure #5, p. 3-13: Please correct “or” to “of” in this IM.

FGMP-1.7 “Preserving Visual Resources” (p. 3-6): Please explain why the language and meaning of the original FGMP has been changed in this policy. The original (p. 13) says “New development *shall be designed* in a manner which preserves the visual quality of the foothill setting” The new, unimproved policy is no longer mandatory; now “The County shall *encourage* new development to be designed” The County has not kept its promise to not change the original FGMP. **Why has this important policy been weakened in the GPU?**

FGMP-1.8 “Commercial Neighborhood Centers” (pp. 3-6, 3-7): Please explain why this policy has been modified from the original (FGMP p. 13). The original states that “neighborhood commercial centers shall be

allowed in designated areas of the development corridor and *shall only include uses of a type and size to service a neighborhood . . .*” Why does the new policy eliminate key rural-character factors “*type and size,*” and substitute “*shall only include land uses that provide neighborhood-related services?*” **Please restore these factors.**

The **third bullet (FGMP-1.8, p. 3-7)** provides another change. The original FGMP (p. 13 c) states that the “maximum size of the commercial center shall be *5 acres.*” With no explanation, the GPU doubles the size, to “**10 acres.**” **Why was this change made? Why is it not indicated as a change from the original? What is the average acreage of neighborhood commercial centers in the foothills? Please restore the original.**

The **fourth bullet (FGMP-1.8, p. 3-7)** is another change. The original FGMP (p. 13 d) states that “the commercial center may be *considered* as a part of a planned residential development, but the GPU says “the commercial center may be *included* as a part of a planned residential development.” Same comment as directly above.

The **fifth bullet (FGMP-1.8, p. 3-7)** states in the original (p. 13 e) that “the center shall meet the policies and development standards of *the* FGMP,” while the new version states that “the center shall meet the policies . . . of *this* FGMP.” Thus, **the FGMP in the GPU** is differentiated from the original FGMP. It is **NOT the original FGMP** as advertised. **Where are the “development standards” in this FGMP?**

The original FGMP includes many pages of development standards. Please restore them in the GPU. (Page 23 of the original FGMP includes as an Implementation “Adopt by Ordinance the Foothill Development Standards which are now included as a subsection of the Foothill Growth Management Plan.” Was this ever done? If so, what is the Ordinance, and why isn’t it discussed in this Chapter of the GPR?)

Implementation Measure #7 (p. 3-13) is the only one shown for FGMP 1.8. Again, the new IM differs from the original (which is on p. 25 of the FGMP, not p. 26 as indicated in the new IM). The original states that “The Site Plan Review Committee *shall determine the consistency of the project with the location, type and design criteria of the policy.* Should the project not meet the intent of *the above policy,* findings . . . body.” The new IM says that the Committee “shall *review* the consistency of the project with the location, type *of* design criteria of the *County’s policies.* Should the project not meet *the County’s policies,* findings . . . body.” **Why have these changes been made, apparently weakening the authority of the Review Committee and making vast and vague the focus of their review (the “County’s policies” vs. “the intent of the above policy”). Please correct this IM to conform to the original wording on p. 26 of the FGMP.**

FGMP-1.9 “Commercial Recreation” (p. 3-7): The original FGMP states (p. 14) that commercial recreation uses “*shall be located in close proximity to unique natural features,*” but the GPU says “The County *shall encourage* commercial recreation uses near unique natural features.” **Why, again, has the FGMP been changed without explanation, and the mandatory rendered weak and unenforceable? Under this Policy also, “the FGMP” has been changed to “this FGMP.”**

Implementation Measure #7 (p. 3-13) is shown for **FGMP-1.9**. Please see and incorporate here the comments on **IM #7** directly above for **FGMP-1.9** (the reference to p. 26 in the original is correct for **FGMP-1.9**).

FGMP-1.10 “Mobile Homes” (p. 3-7): The original (p. 14, #9) states that “Mobilehome projects *shall be* located and designed,” but the GPU version says “The County *shall encourage* mobile home projects to locate and be designed . . .” Same comment as directly above. **Why** has the County’s position become so much weaker? No Implementation is shown in the GPU for this Policy. **Why has the Implementation in the original (p. 27) been omitted** (“The Site Plan Review Committee shall review mobilehome parks and subdivisions to encourage designs that ‘fit’ into existing development patterns.”)?

FGMP-1.11 “Light Industrial Uses” (p. 3-7): The original (p. 14, #10) states that “Light industrial uses (*as described in the Tulare County Zoning Ordinance*) *may be allowed* in a development corridor subject to a *conditional* use permit.” The GPU version says “The County *shall allow* light industrial uses in a development corridor subject to a *special* use permit.” **Please explain** why this policy has been changed; again, it reduces the County’s authority. No IM is shown in the GPU for this Policy. **Why has the Implementation in the original (p. 27) been omitted from the GPU** (“The *environmental impact report process* is the mechanism which will provide specific data both to the Site Plan Review Committee and the Planning Commission for purposes of determining a decision on the conditional use permit.”)?

FGMP-1.12 “Development in Success Valley” (p. 3-7): No Implementation Measure is shown for this Policy in the GPU. In the original FGMP (p. 29), the Implementation is “The two areas within Success Valley which are designated ‘Planned Development-Foothill’ on the Land Use/Circulation Plan for the Tule River Corridor shall be zoned to a classification which prohibits any residential densities greater than one unit per five acres.” **Please indicate whether this Implementation has been acted upon; what is this zoning classification? Please show these areas on a current baseline map** for the foothill development corridors, included in the GPU documents.

FGMP-1.13 “Hillside Development” (p. 3-7): The original (p. 19, #1 AESTHETICS) states: “*Hilltop* development shall be designed so as to preserve the skyline . . .” The GPU version says: “The County shall require that *hillside* development be designed . . .” **Please explain** why this change was made and how the GPU FGMP will regulate hilltop development. No IM is shown for this Policy. **Why has the original FGMP (p. 35) Implementation been omitted** (“The design of subdivisions will be reviewed by the Site Plan Review Committee to assure the visual impact to the foothills is minimal.”)?

FGMP-1.14 “Legally Conforming Commercial Uses” (p. 3-7): The original (p. 12, #4) states that “Existing, legally conforming commercial uses . . . *may be recognized* with an appropriate use designation . . . consistent with other policies in *the FGMP*.” The GPU version says “The County *shall designate* existing, legally conforming . . .

consistent with other policies in *this* FGMP.” Why has the onus been changed to the County? This Policy’s **Implementation Measure, #8 on p. 3-13** differs from the original (FGMP, p. 22), which says “Substantial improvement or expansion to *existing* zoned commercial uses . . .” Has “existing” been intentionally omitted in the GPU version?

FGMP-2, under “**Foothill Area Communities**” (p. 3-8) has added the **Badger Development Corridor** to the communities of Springville, Three Rivers, and Lemon Cove (original goal #1, p. 11). **Please explain** why this change was made.

FGMP-2.1 “**Community Commercial Development**” (P. 3-8): The **Implementation Measure** for FGMP-2.1 (#9, p. 3-14) states, “The County shall ensure that the land use and circulation plan for a development corridor will *limit* retail commercial development designations outside Three Rivers, Springville, and Lemon Cove,” but the original FGMP (p. 22) states that the land use and circulation plan will “*preclude*” such development. **Please explain** why this change was made.

FGMP-2.2 “**Badger Development Corridor**” (p. 3-8): No IM is shown for this Policy. **Are IMs #10 and #11 (p. 3-14) related to this Policy? How** is this Policy related to FGMP-2.3? **What are the “established land use patterns”** in the Badger Development Corridor? **Please see also and incorporate** here by reference the comments under FGMP-3.1 below.

FGMP-2.3 “**Badger Density**” (p. 3-8): **Why does the GPU depart from the original FGMP, which based new development on environmental factors** such as water availability, soil, slope, vegetation, landmarks, watercourses, and other natural features? **How** was the 1 DU/5 acre maximum residential density determined for the Badger Development Corridor? No IM is shown for this Policy. **Are IMs #10 and #11 (p. 3-14) related to this Policy? Please see also and incorporate** here by reference the comments under FGMP-3.1 below.

FGMP-3.1 “**Innovative Residential Design**” (p. 3-8) encourages innovative design such as planned unit or cluster development to conserve and preserve surrounding open space from unnecessary disturbances, but its **Implementation Measures (#10 and #11, p. 3-14)** apply only to the Badger Development Corridor and state that the County shall establish 5-acre minimum parcel size and “*shall initiate changes in this FGMP specifically for the Badger Development Corridor to accommodate uses of property and densities not presently reflected in this FGMP, so long as specific plans for development and densities have been prepared and are available for review at the time the Commission initiates consideration of the plan change.*”

Please explain and justify this radical departure from the policies of the FGMP: What kind of “*uses of property*” and “*densities?*” Will there be noticed opportunities for public review of and input to these documents? What policies will govern these uses and densities? What is the demonstrated need for such abrogation of the FGMP? Will EIRs be required for these specific plans? **What would be the direct and reasonably foreseeable indirect effects of these changes?** Why are there no timeframes for these IMs?

As for IM #10 (p. 3-14) and the 5-acre parcel size that this IM “would” establish, **how does this IM relate to FGMP-2.3 (p. 3-8)**, which states that the County shall limit the maximum residential density of areas [does this mean all areas?] within the Badger Development Corridor to one dwelling unit per five acres?” The reference under FGMP-2.3 indicates “Amendment 83-03; Implementation Measure I.” Does this indicate that the FGMP has already been amended, in 1983, to implement this 1 DU/5 acre policy? Or was the Amendment proposed but rejected? **Please explain. Please provide** a clear, detailed baseline map of the foothill plan area and corridors and include correct, current land use designations and zoning.

FGMP-3.2 “Excavation Operations” (p. 3-8): Please explain why this policy has been changed from the FGMP (p. 14) original? The original requires a *conditional use permit*, but the GPU version requires a *mining permit*. The original describes procedures which mitigate “*environmental, social and economic impacts,*” but the GPU *omits the social and economic impacts*. **Please explain specifically** how the IMs (#10, #11, and #12 on p. 3-14) designated for FGMP-3.2 relate to it. **Why has the original Implementation (p. 27 of the FGMP) been omitted** (“The environmental impact report process is the mechanism which will provide specific data both to the Site Plan Review Committee and the Planning Commission for purposes of determining a decision on the conditional use permit.”)?

FGMP-4.1 “Identification of Environmentally Sensitive Areas” (p. 3-8): Please explain why the original (p. 15) “*special wildlife habitats*” has been changed to “*habitat of special status species*” in the draft GPU. The IMs listed for this Policy (#13 and #14 on p. 3-14) relate only to visual impact and scenic corridors. **Please cite for this Policy IMs that relate directly to identifying and protecting environmentally sensitive areas** such as floodplains, steep slopes, unique sites, riparian woodland, wildlife habitat and corridors, etc. The original FGMP (p. 34) states that “Level III designates the *major riparian areas* of each development corridor as *open space*. Review of landscaping plans through the site plan review process will insure that areas to be landscaped are compatible with surrounding native vegetation. Level II of the FGMP identifies *wildlife habitats* in each development corridor. Level III of the FGMP *designates sensitive wildlife areas as open space* in each development corridor.” **Where in the GPU documents does this information appear? Please include and it on a clear baseline map** of the FGMP Area and its development corridors.

FGMP-5.1 “Protect Agricultural Lands” (p. 3-9): This Policy has no listed Implementation Measures and does not state how the County “shall maintain and preserve” foothill agricultural uses. The original FGMP (p. 15) lists three policies in support of this goal (including the use of large lot exclusive agricultural zoning, provision of adequate minimum parcel sizes through agricultural zones in the Zoning Ordinance, and limiting residential development densities in the PD-F areas of Success Valley). **Why have they been separated** from the policy in the GPU version?

The large-lot exclusive ag zoning policy of the original FGMP has been rewritten in the GPU as **Implementation Measure #18 (p. 3-15)**, which references GPU Policy FGMP-6.1 (“Preservation of Scenic Highways”). **Why has this IM been rewritten** so that it appears to weaken the original FGMP, which stated “*Protect . . . agricultural areas . . . from encroachment . . . through the use of . . . zoning*”: the new IM says “rezone . . . agricultural areas . . . to *reduce* encroachment.”

Shouldn't IM #18 reference Policy FGMP-5.1?

Page 29 of the original FGMP lists three Implementations for protecting the foothill agricultural areas through large lot, exclusive agricultural zoning. One of these now appears as **IM #19 (p. 3-15)**, also referencing Policy FGMP-6.1, which **should, presumably, be corrected to 5.1.**

Likewise, **IM #16 (p. 3-14) should, presumably, be corrected to reference FGMP-5.1.** Please explain why this IM has been rewritten and taken out of context from the original Implementation (p. 27), which stated that, *to support compliance with a common development or Specific Plan designed for an area within a definable geographic area of a development corridor*, “The County shall explore the legality of voluntary contract cancellation on lands that are within a Development Corridor and under a Planned Development-Foothill Zone.”

Has this Implementation, adopted in 1981, never been acted on by the County? Surely, after 25 years, the County has explored the legality of such cancellations, so what is the context for IM #16? Its Timeframe is 2007-2010, almost *30 years* from the date of the adoption of the original Implementation. **Please explain how the reader can rely on the efficacy of these Implementation Measures** when their originals have evidently not been carried out after three decades.

Likewise, **IM #17 (p. 3-14) should, presumably, be corrected to reference FGMP-5.1.** This IM shows a **Timeframe of 2007-2010.** Does this mean that the Implementation approved in 1981 to amend the Zoning Ordinance to add a zone to protect and maintain extensive agriculture **has never been carried out**, and may not occur until *30 years* after it was approved? Same comment as above on #16.

FGMP-6.2 “Identification of Scenic Highways” (p. 3-9): No IM is listed for this important Policy; **please provide** a concrete, measurable, enforceable one. Page 30 of the original FGMP states that Level III of the FGMP provides for circulation patterns for each of the development corridors. Those *roads with unique visual qualities are shown as scenic highways.* Scenic highways and scenic roads are depicted on one of the maps enclosed in the FGMP. They include Hwy. 245, Hwy. 198 from north of Exeter through Three Rivers, M-296/J37 – Yokohl

Drive/Balch Park Drive (from Hwy. 198 to Hwy. 190), J28 from near Springville to Strathmore, portions of Hwy. 190, Globe Drive near Springville, and J42/Success Drive.

Almost *30 years* later, the GPU, in GPR Figure 7.2-1, which has been omitted from the January, 2008, version of the GPR, is depicting most of these routes (and some others) as “*Candidate* Scenic State Highways and *Candidate* County Scenic Routes.” Please explain what the status is of this 1981 original Implementation and how it relates to GPR Policy SL-2.1 (p. 7-3) almost 30 years later.

FGMP-6.3 “Development Along Scenic Highways” (p. 3-9): Please provide an Implementation Measure for this Policy; please correct “*this* FGMP” to the original “*the* FGMP.” To which “development standards” is this Policy referring? Are there any development standards in the GPR FGMP specific to scenic highways and routes? The original FGMP (p. 44) includes six development standards specifically related to scenic highway corridor development (including standards for signs, utility improvement, grading, and vegetation and landforms).

Please include these as a minimum. Additionally, please include the original FGMP’s Implementation (p. 30) that “The Site Plan Review Committee shall insure that the new development adjacent to scenic highways and roads meets the requirements set forth in the development standards.”

IM #6: This Implementation, somewhat reworded, appears as IM #6 (p. 3-13), but it lists only FGMP-1.6 ; shouldn’t it reference FGMP-6.3?

IM #14 (p. 3-14) should also list FGMP-6.3; this IM is stated as a Policy in the original FGMP (p. 30), with an Implementation of “Design analysis of the project by the Site Plan Review Committee.” Please restore the Site Plan Review Committee to the IMs for FGMP-6.3.

FGMP-6.5 “Cluster Development ” (p. 3-9): Please clarify this Policy and provide it with a concrete Implementation Measure. How will the County “encourage” cluster development?

IM #20 (p. 3-15) promotes cluster development, greater setbacks, etc. to protect scenic corridors. Please correct its reference. It does NOT implement FGMP-7.1 (Historical Sites), but is related to FGMP-6.4 and FGMP 6.5.

FGMP-7.1 “Inventory of Historical Sites” (p. 3-9): Please explain how almost 30 years after the FGMP was adopted with a Policy (p. 30) to “Request the Tulare County Historical Society to inventory historical sites and buildings worthy of historical preservation,” the GPU is including a Policy requesting the Historical Society to inventory these sites and buildings. Has the County ever made the request? Was this inventory ever prepared? Is this some sort of on-going activity? Please provide a concrete IM for this Policy, or some better mechanism for getting this inventory done.

FGMP-7.2 “Preparation of an Archaeological Sensitivity Map” (p. 3-9): This Policy states that the County “shall prepare” this map. IM #23 (p. 3-15) states that *an archaeological sensitivity map has been prepared for*

Tulare County by the Anthropology Department, California State University, Fresno. The original FGMP (p. 31) states as an Implementation exactly what IM #23 states. **This map was created almost 30 years ago. Shouldn't it be updated,** based on what's been learned in archaeology over the last 30 years?

Please revise Policy FGMP-7.2, which is absurd in light of the fact that it was carried out almost thirty years ago.

Please correct the references in IM #23; it should reference FGMP-7.1, 7.2, and 7.3, NOT 8.1, 8.2, and 8.3. Also **please update the information in this IM to include at least references to current requirements of CEQA and SB18.**

FGMP-7.3 "Protection of Historical or Archaeological Sites" (p. 3-9): The original FGMP (p. 31) states as Implementation that "The site plan review process will insure that significant historical and archaeological sites will remain protected through provision *for open space easements* on such sites." Please explain why the wording is different in Policy FGMP-7.3.

IM#15 (p. 3-14) must be corrected; it applies to FGMP-7.3, NOT to FGMP 5.3.

We could continue in this vein through the rest of the FGMP Chapter, but surely the above suffices to show what must be done to correct and conform the GPR version **to match the original, which it should do in intent, content, organization, goals, policies, and implementation measures.**

APPENDIX A

THE AHWAHNEE PRINCIPLES

Preamble:

Existing patterns of urban and suburban development seriously impair our quality of life. The symptoms are: more congestion and air pollution resulting from our increased dependence on automobiles, the loss of precious open space, the need for costly improvements to roads and public services, the inequitable distribution of economic resources, and the loss of a sense of community. By drawing upon the best from the past and the present, we can, first, infill existing communities and, second, plan new communities that will more successfully serve the needs of those who live and work within them. Such planning should adhere to these fundamental principles:

Community Principles:

1. All planning should be in the form of complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents.
2. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
3. As many activities as possible should be located within easy walking distance of transit stops.
4. A community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
5. Businesses within the community should provide a range of job types for the community's residents.
6. The location and character of the community should be consistent with a larger transit network.
7. The community should have a center focus that combines commercial, civic, cultural and recreational uses.
8. The community should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
9. Public spaces should be designed to encourage the attention and presence of people at all hours of the day and night.
10. Each community or cluster of communities should have a well-defined edge, such as agricultural greenbelts or wildlife corridors, permanently protected from development.
11. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed traffic.
12. Wherever possible, the natural terrain, drainage, and vegetation of the community should be preserved with superior examples contained within parks or greenbelts.
13. The community design should help conserve resources and minimize waste.
14. Communities should provide for the efficient use of water through the use of natural drainage, drought tolerant landscaping and recycling.

15. The street orientation, the placement of buildings and the use of shading should contribute to the energy efficiency of the community.

Regional Principles:

1. The regional land use planning structure should be integrated within a larger transportation network built around transit rather than freeways.
2. Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions [the greenbelts can be agricultural].
3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.
4. Materials and methods of construction should be specific to the region, exhibiting continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

Implementation Strategy:

1. The general plan should be updated to incorporate the above principles.
2. Rather than allowing developer-initiated, piecemeal development, local governments should take charge of the planning process. General plans should designate where new growth, infill or redevelopment will be allowed to occur.
3. Prior to any development, a specific plan should be prepared based on these planning principles. With the adoption of specific plans, complying projects could proceed with minimal delay.
4. Plans should be developed through an open process and participants in the process should be provided visual models of all planning proposals.

APPENDIX B

ADDITIONAL COMMENTS ON THE DEIR ALTERNATIVES

1. The DEIR does not offer a reasonable range of alternatives – the range is too narrow, and all the Alternatives have many of the same problems.
2. None of the descriptions of the Alternatives explain what will cause their different growth pattern outcomes; all but the No-Project Alternative are based on the same GPU GPR, so they are all guided by the same goals, policies, and implementation measures. Why, then, will their outcomes differ in terms of amount of population growth and location of population growth?
3. The descriptions of the various alternatives are too vague to enable a clear understanding of the difference in their mechanisms so as to evaluate whether they would actually create the outcomes described and to enable a clear understanding of the differences they would produce (e.g., comparison of number of acres converted to urban uses, comparison of quantified VMT impact, comparison of cost to County for public services (police, fire, water supply, parks, etc.), so as to provide a sound basis for decision-making.
4. None of the descriptions of the Alternatives lay out the effect of the Alternatives on global warming impacts and their likelihood of furthering Tulare County's compliance with AB32 and other State and federal clean air requirements, nor the effect on air quality and public health; much more specific projections are needed to enable valid comparisons and decision-making. Additionally, the effects of global warming on the projected growth patterns of the various Alternatives are not described.
5. None of the Alternatives clearly present any mitigation strategies that would offset their impacts.
6. None of the Alternatives address the desire or capacity of the unincorporated communities and hamlets (or other unincorporated areas that would be converted to "corridors") to accommodate substantial development. What is the relative carrying capacity available under each of the Alternatives, and how is that factored into the various projections?
7. None of the Alternatives address their effect on diversification of the County's economy.
8. None of the Alternatives address in any detail their impacts on water supplies and water quality, despite the County's impending water crisis. The descriptions only mention, in the most general way, potential impacts on groundwater recharge potential. None discuss the potential impacts of global warming and reduction of available imported water supplies on the County's ability to grow. Much more specific information is needed in order to meaningfully compare the Alternatives.
9. None of the Alternatives are sufficiently environmentally superior to offer a valid choice for accomplishing that goal.
10. None of the Alternatives provide a cost/benefit analysis of their proposal; such analysis s/b provided for each, and then a comparison s/b made; the County has major fiscal problems, so this information is important

11. The Alternatives section should include **maps** reflecting the footprint, location, and individual acreage increases and total acreage increases of the described development patterns, so that the Alternatives' impacts may be visually and numerically compared. The maps also must **indicate significant natural resource lands (high quality agricultural, riparian, wetlands, other significant and endangered habitats and waterways, groundwater recharge areas, etc., and the amount of loss in each of these areas) so that relative impacts on these irreplaceable resources c/b quantified and compared.**

12. The various Alternatives raise different issues and contain different types of information so that they are **inconsistent and do not provide for meaningful across-the-board evaluation and comparison.** For example, Alternative 3 (p. 7-24) under the Hazards section brings up the idea that under Alternative 3 and the GPU, **use of hazardous agricultural chemicals would decrease, while new sources of hazardous materials could be introduced** by new commercial and industrial uses. None of the other Alternatives mention this idea. Indeed, all the Alternatives start this Hazards section by saying that they **propose “development that is similar in nature to that anticipated under the General Plan Update.”** So, what kind of range of Alternatives is being presented here? Nothing in Alternative 3 explains why the use of hazardous agricultural chemicals would decrease (a good outcome!) under this Alternative.

13. All of the Alternatives should address the needs of all the existing unincorporated urbanizing areas. However, only Alternative 4 (p. 7-26) states that **“The needs of other unincorporated communities would not be ignored.** Better housing, services, and infrastructure would be developed for rural communities to adequately meet the needs of future growth.” Does this mean that only Alternative 4 will not ignore the needs of other unincorporated communities? Please state **how Alternative 4 would develop better housing, services, and infrastructure for these communities, and compare this specifically with the considerations for these communities under the other Alternatives.** How would this development compare with what is being done for these communities at present? Is “communities” being used in a general sense here, so that the **hamlets are being included in the category of not being ignored?**

14. **All of the Alternatives except #1-No Project assume that all of the proposed policies and implementation measures contained in the GPR for the updated GP w/b included as part of each Alternative.** Unfortunately, the policies and implementation measures in the GPR are too often **vague, weak, unclear, unmeasurable, or absent and so will not provide the strong and timely direction needed to protect and revitalize the County's economy, communities, and natural resources.** For any hope of a sustainable future, **at least one Alternative must be presented that would strengthen the GPR's policies and implementation measures to the point that they will actually produce positive change in the pattern, type, and quality of new development.**

15. In the County's GP workshops, **the public was strongly in favor of city-centered growth and did not want new towns or unnecessary loss of agricultural or open space lands, but none of the Alternatives focuses clearly and strongly enough on this goal, and they would be gutted anyway by the policies and implementation measures in the GPU GPR (e.g., PF-2.2 allows modification of a UDB under any of the following circumstances, including “any other relevant factor considered on a case-by-case basis”); the GPU GPR encourages development**

of new towns and new growth corridors, which are antithetical to compact, resource-efficient, city-centered growth. At least one Alternative must be provided that would truly direct growth to within the boundaries of areas already urbanized that want and can support new development; such an Alternative must not be rendered meaningless by loopholes in itself and by policies and implementation measures too vague and weak to make it happen.

In summary, the Alternatives, as presented, are far too vague, are premised on assumptions that are not explained, are inconsistent in the points they address, are incomplete, do not offer a reasonable range of clearly differentiated alternatives, and therefore do not enable readers to logically compare the Alternatives, nor to select any of the Alternatives as likely to fulfill the people's priorities (and certainly not if the GPR is adopted without considerable revision.) We will now examine them in more detail.

p. 7-3 – ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION

Proportional Growth – 30% of future growth in unincorporated (rate proportional to current conditions)

Existing Trends Alternative – 28% of future growth in unincorporated; would allow future growth in County to continue to grow at rate occurring in those areas 1990-2000

[The County provides insufficient discussion to show why these two Alternatives were considered in the first place and why they were then rejected. What made these Alternatives inferior to those that are being presented in the DEIR? Does the rejection indicate that the County determined that we cannot continue in our current direction because it rejected proportional growth and existing trends?]

p. 7-3 and 7-4 – Table 7-1 SUMMARY OF KEY COMPONENTS FOR EACH ALTERNATIVE

The Table states what percentage of the 2030 population will be in unincorporated areas, except for Alt. 1 (No Project) and Alt. 5 (Confined Growth). It must explain why Alt. 1 and Alt. 5 projections are missing.]

The Table states that under the GPU, the total unincorporated population w/b 170,000, an increase from 2003 of 106,440. It states a much lower population increase for Alternative 2. For Alternatives 3 and 4, it states a total population of 188,152 (about 18,000 higher than under the GPU), but it states that the increase is only 78,594, almost 28,000 lower than under the GPU. [Please explain these figures, which appear illogical.]

The Table needs a corresponding explanation of how the projections are calculated and exactly what factors of the various Alternatives will cause the various resulting percentages for 2030.

The Alternatives also represent a relatively small variation in the percentage of population projected in the unincorporated areas; this does not appear to represent a reasonable range of alternatives.

This summary of key components cannot be confidently analyzed and evaluated for decision-making because it presents insufficient information and no rationale or basis for the information that is provided. To what degree and by what mechanisms can the County direct development to specific areas, and how does this compare to the role of market forces in locating development?

p. 7-4 – Table 7-2 SUMMARY OF THE ALTERNATIVES' ABILITY TO MEET THE PROJECT OBJECTIVES

Explain how these 6 points became the project objectives. These 6 points comprise only the Guiding Principles of the GPR (p. A-2), although slightly reworded. What happened to the Value Statements and the Framework Concepts? **The project objectives must clearly and directly include all of the people's priorities of clean air, reliable water quality and supply, the protection and preservation of agricultural and open space lands, and a more diverse economy.** None of the Alternatives presented are designed to focus on implementation of the people's priorities.

p. 7-5 ff – Table 7-3 SUMMARY COMPARISON OF ALTERNATIVES' IMPACTS WITH GP UPDATE LEVEL OF SIGNIFICANCE

This Table must **include an explanation of the criteria used to determine the assigned ratings in order for the reader to be able to evaluate its accuracy and meaning.** For example (p. 7-6), for AQ-1, cumulatively considerable net increase of air pollutants, **why are Alt. 2 (city-centered) and Alt. 5 (confined growth) rated the same as the GP update, when both those alternatives should serve to reduce VMTs (and therefore pollutants) compared with the GPU?**

METHODOLOGY: The following is a brief review of the material in the introductory remarks for each of the Alternatives. This will be followed by a brief comparison of the Alternatives' statements under each of the various key criteria (e.g., Ability to Meet Project Objectives, Environmental Impacts, etc.).

p. 7-14 ff – ALTERNATIVE 1: No-Project Alternative: States that **current development patterns would continue to occur per existing GP, Development Code (please clarify; this document is not discussed in the GPU documents), and Community/Area Plans, but many of the community plans are supposed to be revised now or very soon, as they are more than 20 years old (GPR, p. 2-3), plus the hamlets are all supposed to get plans (none of them has a plan presently).**

Why would buildout population be smaller under this Alternative? What Goals and Policies and Implementation Measures in the GP update would cause greater population growth than no-project? Does this mean that the other Alternatives presented are all growth-inducing Alternatives? Given the state of our air and water resources and the infrastructure in our unincorporated areas, growth inducement doesn't seem like a good idea, since we can't seem to support the requirements of the existing population.

ALTERNATIVE 2 (p. 7-18) CITY-CENTERED ALTERNATIVE: "Focuses growth within existing urban areas (cities); new development (i.e., residential/commercial growth) to be concentrated in areas already committed to a degree of urban development and have provisions for some utility/road infrastructure or

adequate level of public services.” [This needs clarification. Are we talking about the County’s 8 incorporated cities only, or are we talking about all of its areas that are committed to a degree of urban development? What is meant by “committed?” Does this mean financial commitment? Desire alone? Zoning? Incentives? What is meant by “provisions” for “some” infrastructure? Plans? Money? This is entirely **too vague to permit understanding or evaluation**. Many of the County’s communities and hamlets have a degree of urban development, but many of them are at or over capacity on water and sewer, many have dilapidated aged infrastructure, many have bad water quality problems, and many have terrible roads, etc.] **“Assumes incorporated cities would increase density and develop contiguous land.”** Aren’t the cities likely to increase density and develop contiguous land under all the Alternatives? **“Slower development patterns** are assumed to continue through 2030, with unincorporated population being slight lower than under GP update.” [Slower development patterns? Is this the same as slower growth? What would cause this? Is this referring only to slower growth in unincorporated areas, since growth w/b focused in cities? Please explain the basis for this assumption.]

ALTERNATIVE 3 (p. 7-22) RURAL COMMUNITIES ALTERNATIVE:

Adopt GPU; but, **unlike GPU, assume existing levels and patterns of growth would continue within the County throughout the GP period.** [What, specifically, is the difference in assumptions here? **What are the existing levels and patterns of growth? This implies that the GPU does NOT assume existing levels and patterns of growth would continue. What is the difference, and what causes the difference?**] Future growth w/b directed to unincorporated communities, while growth in rural areas w/b limited to only 5% of new population. [How does this compare to the other Alternatives? What percent of growth under them goes to rural areas, vs. percent to communities? **The information given in this alternative is not matched by info given in others, so how can the alternatives be logically compared?** What are the criteria or policies or other mechanisms that cause the population growth to be dispersed in this way?]

ALTERNATIVE 4 (p. 7-25) TRANSPORTATION CORRIDORS ALTERNATIVE:

Adopts updated GPR. Unlike GPU, **assumes cities and communities along Highways 99 and 65 would increase densities and develop contiguous land within their UDBs or UABs .** [Have the assumptions of this Alternative been discussed with the affected urbanized areas and those that would not be targeted for such development? What mechanisms would focus growth in the targeted areas? Please clarify: Is the growth under this Alternative to be **confined completely within the existing development boundaries?** It should limit development to within existing UDBs, not UABs, because UDBs are 20-year boundaries, and there is more than enough room within the UDBs to accommodate all the growth projected throughout buildout of the GPU.] **“The needs of other unincorporated communities would not be ignored. Better housing, services, and infrastructure would be developed for rural communities to adequately meet the needs of future growth.”** [Only Alternative 4 includes this statement. Does this imply that under the other Alternatives, the needs of other unincorporated communities would be ignored? What mechanisms will fund and provide the better housing, services, and infrastructure for these other

communities? Do they differ from what is available now to accomplish these objectives? Are they specifically related to some factor in Alternative 4?] Under this Alternative, total unincorporated population is to be slightly higher than under the GPU. [What causes this population increase?]

ALTERNATIVE 5 (p. 7-30) CONFINED GROWTH ALTERNATIVE:

Includes the GPR of the GPU. [Note that the GPU's GPR will never confine growth because the policies and implementation measures therein allow development boundaries to be changed on the basis of many conditions, including "any other relevant factor considered on a case-by-case basis."] The DEIR states that this Alternative was developed based on comments from Citizens for Responsible Growth and the American Farmland Trust. [Please explain which of these organizations' comments are being referred to here. Both TCCRG and AFT have urged the County to provide a GPU that would produce compact, efficient, smart growth. Both groups have urged the County to strengthen the policies that strengthen development boundaries and make them meaningful. Both have urged the County to incorporate measures to assure conservation of agricultural land. This Alternative does not directly address and support these recommendations. Instead, it provides huge and numerous loopholes that render meaningless its lip service to TCCRG's and AFT's recommendations.]

Alternative 5 proposes a "no net gain" scenario allowing modifications to "hard boundaries" ONLY if there are offsetting deductions in boundaries elsewhere UNLESS there are "extenuating circumstances" such as mandatory agriculture impact fees for important farmlands, job generation, projects of regional importance, regional growth corridors with mixed use and commercial or industrial opportunities, master plans for land use efficiency standards, or some reason consistent with the San Joaquin Valley Regional Blueprint. [The extenuating circumstances, of course, cover all the bases, and render the "no net gain" scenario meaningless. Mandatory impact fees combined with a land-banking program should have already been implemented by the County, and have been strongly recommended many times. Obviously, ANY development can be said to generate jobs. There is NO good reason why all of the "extenuating circumstances" listed cannot be accommodated within existing development boundaries throughout buildout of the GPU.

Why are "greater land use efficiency standards for development on important farmlands" being listed as a strategy only under this Alternative, when greater land use efficiency standards should be the backbone of the GPU and of every Alternative? And even this Alternative says only that such standards "could" be required. As pointed out in the Background Report (p. 11-16) "The need to expand urbanized uses onto farmland can be reduced by developing and redeveloping land in the core areas of communities. For every 100 acres of urban land developed with a mix of single family homes, townhouses, and apartments (assuming an average density of 20 units per acre), 500 acres of farmland can be saved at the edges (assuming a typical density of 4 units per acre (suburban character).

Why is a **four-year college** mentioned only under this Alternative, and only as an “extenuating circumstance,” when a four-year college must be a firm goal for the County under any circumstances and such an institution could much more efficiently be located within existing boundaries, close to transit, infrastructure, and the students it would serve?

What are the land use efficiency standards that would be set in the GPU? How can this Alternative be judged on any measure so vague? This Alternative still allows and encourages the wasteful, inefficient, unhealthful, and costly greenfield development of New Towns and Regional Growth Corridors. This Alternative also cannot be meaningfully considered because it fails to provide any specific information about the area within the “hard boundaries” that is to be considered under the “no net gain” scenario. Exactly what areas are these (are they the defined incorporated cities, the 21 unincorporated communities named in the GPU, and the 11 hamlets named in the GPU, or are there additional areas with boundaries that can be considered)? How much acreage is available currently within the “hard boundary” for each area to be considered under this scenario? What is the approximate current population within each hard boundary area, and how much additional population could be accommodated within each hard boundary? What is the condition of the existing infrastructure in each hard boundary area, and what is its current capacity? How much additional population and development could the infrastructure in each area support? The GPU is proposing very extensive HDBs, although it appears that many of the hamlets do not have the infrastructure to support even existing demand, much less major development. These unnecessarily very large areas could probably easily provide the “offsetting equivalent deductions in boundaries” for expansion of “hard” boundaries elsewhere.]

The hard boundaries concept is stated to “**link well with the intent of the San Joaquin Valley Regional Blueprint to protect important agricultural resource areas and natural habitats.**” [Shouldn’t every one of the Alternatives be designed to link well with all the intentions of the San Joaquin Valley Regional Blueprint? Why not make this linkage one of the criteria for all the Alternatives? Given its many exceptions and omissions, Alternative 5 certainly does not accurately reflect the comments and recommendations of TCCRG, and it offers, unfortunately, little essential or practical difference from the other Alternatives presented.]

ABILITY TO MEET PROJECT OBJECTIVES

Alternative 1—No-project (p. 7-14): The DEIR says this Alternative **would not include** any of the new policies and implementation measures designed to address **environmental impacts** of development, but, unfortunately, most of the new ones included in the GP update to address these impacts are vague, weak, unmeasurable, and unenforceable anyway. Others are reflections of other agencies’ requirements (e.g., CARB and SJVAPCD, Federal CAA, EPA requirements, State laws, etc.), which presumably have to be adhered to regardless of whether they’re re-stated in the GP.

The DEIR states that failure to update the GP **will not result in comprehensive update to the County’s existing goals and policies to help incorporate current planning, environmental, and regulatory trends and objectives,**

which “could” make it more difficult to provide planning framework and standards to **protect natural resources lands** and promote reinvestment. [Certainly it’s good to incorporate the referenced trends and objectives, but does this imply that since the County has not updated its GP for over 20 years, we haven’t been able to incorporate any changes in all that time? Surely, we have had to make many changes, perhaps by adopting resolutions and ordinances and making revisions to the Zoning Ordinance, the Building Code, Transportation Management, etc. **What are the specific “updated economic development policies or programs” that would not be available to the County’s reinvestment programs?**]

Alternative 2 – City-Centered (p. 7-19): The DEIR states that under Alternative 2, the GPU would be adopted with “**lower population growth assumptions,**” which “may make it more difficult to achieve the desired level of reinvestment within existing communities and hamlets.” Table 7-1 on p. 7-4 shows an increase of 52,396 in unincorporated population vs. 106,440 under the GP Update. [Please explain what the “**desired level of reinvestment**” is and how it is correlated with population. Is the assumption that certain percentages or sheer numbers of population increase are required to achieve reinvestment? Where does the reinvestment come from? **The County has been growing very rapidly, and there doesn’t seem to have been much reinvestment** in many of the communities and hamlets (at least not in their infrastructure!) Is it correct that most growth and development does not pay for itself, much less for redevelopment? On the other hand, of course, the County has had no developer impact fees and no mitigation fees. Does this population growth/reinvestment correlation need to be a factor in all the Alternatives?] This Alternative includes adoption of the GPU with the updated GPR to “help incorporate current planning, environmental, and regulatory trends and objectives,” and so would “**meet all objectives related to protection of existing open space and agricultural land uses.**” [Unfortunately, far too many of the policies and implementation measures in the updated GPR are much too **vague and weak to be enforced or measurably implemented** unless they are repeating the requirements of Federal, state, and other local agencies.]

Alternative 3 – rural communities (p. 7-22): Adopt GPU with **slightly higher population growth assumptions** that focus growth within existing communities and hamlets. “Higher levels of anticipated growth and development would help to **promote the desired level of reinvestment** within existing communities and hamlets.” [Given that many of the unincorporated communities and hamlets are facing severe problems with water supply, water quality, sewer capacity (e.g., moratoria, “Can’t Serve,” cease and desist orders), and other infrastructure problems, how can growth be focused in them? **Growth cannot occur without adequate water and sewer. At what rate has growth been occurring in these areas? Has growth solved any of these problems? Why would more growth promote reinvestment? Do these communities have a good job base? If not, would they be developed as bedroom communities? Will that help us comply with AB32? We need a lot more facts on this one. As with Alternative 2, directly above, please explain the correlation between population increase and reinvestment increase. Also, please quantify the relative impacts on protection of agricultural and open space lands, as Alternative 2 is said to “meet all objectives related to their protection,” but that statement is not made for Alternative 3.]**

Alternative 4 – transportation corridors (p. 7-26): This Alternative would adopt the GPU updated GPR with slightly higher population growth assumptions. [Why are the growth assumptions higher under this alternative?] **“The rural character of the county would be preserved since growth would be primarily focused along transportation corridors.”** [Actually, since transportation corridors are typically linear, **doesn’t focusing growth along them create spread-out, linear growth, as opposed to resource-efficient, compact, clustered, relatively dense growth around a well-defined center?** Additionally, **growth sprawling along transportation corridors does not create rural character, but instead the character of strip development. It precludes and mars views of our scenic landscapes, and it is inefficient.** Such development is also **unhealthy** because those who work alongside heavily traveled corridors are continuously overexposed to toxic traffic emissions and high noise levels.] The DEIR states that “higher levels of anticipated growth and development and the opportunity to take advantage of highway commercial opportunities would help to promote reinvestment within existing communities and hamlets.” [Again, please specifically explain the connection or ratio between population increase and reinvestment increase. Also, please explain why these highway-contiguous urbanized areas are not already able to take advantage of highway commercial opportunities, and exactly what the difference in advantage would be on the basis of this Alternative.]

Alternative 5 – Confined Growth Alternative (p. 7-31): The DEIR states that under this Alternative **“mechanisms would be put in place”** to ensure that existing development capacity “is used efficiently and smartly.” [Please enumerate these mechanisms and explain how they would “ensure” efficient, smart development. Please quantify “efficient,” and give an approximation of acreage of agricultural and resource lands protected under this Alternative compared with the other Alternatives. Please explain why efficient smart growth is not a feature of all the Alternatives.] “It would . . . help to promote a greater interest in reinvestment within existing communities and hamlets.” [Please explain “greater.” Does this mean in comparison with all the other Alternatives? What accounts for this superior result under Alternative 5? If it is indeed significant, then should it not be included in all the Alternatives, since such reinvestment is a Guiding Principle of the GPU GPR?]

ENVIRONMENTAL IMPACTS OF THE ALTERNATIVE

Alternative 1 – No-Project (p. 7-15): States this alternative would **continue redistribution of new growth to cities.** [This is desirable, but what exactly causes this to happen, and how does it work?] This Alternative will result in impact **“too speculative for detailed analysis.”** [Why are this Alternative’s impacts any more speculative than the others’? How are the impacts determined?]

Alternative 2 – City Centered (p. 7-19): The environmental impacts are “summarized in Table 7-3 and described in greater detail below.”

Alternative 3 – rural communities (p. 7-23): Same wording as in Alternative 2.

Alternative 4 – transportation corridors (p. 7-27): Ditto.

Alternative 5 – confined growth (p. 7-31): Environmental impacts “are likely to be most similar to Alternative 2 with the exception that it would result in greater protection of agricultural resources.” [Please explain exactly what would cause Alternative 5 to be more effective in this respect, and to what degree (e.g., approximate acreage and value) if would be more effective.]

AESTHETICS

Alternative 1 – No Project (p. 7-15): States that the **proposed goals and policies in the GP update are considerably more comprehensive and detailed** than those in the existing GP. [However, most of the GPU **policies and their implementation measures are too vague and feeble to accomplish the goals** they support. They typically only “encourage” or “promote” without requiring or mandating, without timely timetables, without any method for measurement, etc.] The County “**would continue to evaluate environmental impacts of these projects on case by case basis and identify all applicable feasible mitigation measures for significant impacts.**” [Please clarify whether this is the case regardless of the Alternative selected. How is this statement meaningful? Is identifying all feasible mitigation measures the same as implementing them? What determines whether they apply and whether they are feasible? Do the mitigation measures have to be included in the GPU?] The DEIR states this Alternative results in “**significant and unavoidable impact**” because growth would occur over currently undeveloped or agricultural land, affecting visual character and increasing sources of nighttime light and glare. [But **surely a fair amount of the impact could be avoided, and then much of it could be mitigated by the applicable feasible mitigation measures.** Please provide quantification to enable comparisons among the Alternatives.]

Alternative 2 – City Centered (p. 7-19): “**Would convert less open space so less impacts to existing County scenic landscapes, but still significant and unavoidable.**” [Please be much more specific here in terms of **estimates of acreage affected and locations of acreage.** It’s too vague to base a decision on. Same comments as directly above on “significant and unavoidable.” “Light and glare w/b lessened, but similar to the GPU.” [It’s important to adopt Dark Skies implementation measures for this purpose, but the GPR update does not require them. Please present an Alternative that does.]

Alternative 3 – rural communities (p. 7-23): Continuing with **current development patterns** [what are they?] results in **slightly higher population level** [Table 7-1 on pp. 7-3 and 7-4 shows Alternative 3 with an overall unincorporated population quite a bit higher than the GPU’s, but a population increase of only 78,594 (30% in unincorporated) vs. the GPU increase of 106,440 (28% of population in unincorporated). Please explain these numbers. Also, **what causes the amount of population growth to change as a result of this alternative?**] The

DEIR says this Alternative's **development footprint would be similar** to the GPU's, but says in the next paragraph that it may result in a slightly greater impact to aesthetic resources due to the **larger area that would be developed.**" [This is too vague and contradictory to be meaningful. Approximately how many acres are being considered here, relatively speaking? Please incorporate here the above comments on S&U – significant and unavoidable, and Dark Skies.]

Alternative 4 – Transportation Corridors Alternative (p. 7-27): The DEIR states under Alternative 4 Aesthetics that this Alternative would result in **"a lower buildout population** to that anticipated under the GPU." The introductory paragraph for Alternative 4 (p. 7-26) states that under this alternative total unincorporated population would be **"slightly higher than anticipated"** under the GPU. [These **contradictory statements cast doubt** on the accuracy and consistency of the information presented in the Alternatives. Table 7-1 (pp. 7-3 and 7-4) shows a total unincorporated population about 18,000 higher under Alternative 4 than under the GPU – although it also, confusingly, shows a considerably smaller population increase than the GPU's. Please incorporate here the above comments on S&U – significant and unavoidable, and Dark Skies.]

Alternative 5 – confined growth (p. 7-31): The DEIR describes "similar types of development with a **smaller footprint**" than under the GPU. [Please estimate the acreage difference here for comparison purposes. Please incorporate here the above comments on S&U – significant and unavoidable, and Dark Skies.]

AGRICULTURAL RESOURCES

Alternative 1 – No-Project (p. 7-15): The DEIR states there w/b less impact because a smaller amount of Prime, Unique, or Statewide Importance farmland w/b converted to urban uses. [Is this solely because there w/b smaller population at buildout? Or because this Alternative w/b continuing to redistribute new growth to cities? Or both? It is important to know exactly what causes the important effect of less impact on farmland. Again, please provide estimates of relative acreage affected to enable analysis and decision-making.]

Alternative 2 – City Centered (p. 7-19): **"Could** result in reduced impact to ag resources if development in cities is more efficient than development in unincorporated areas, but still significant and unavoidable." [This description **provides no sound basis for decision-making.** An Alternative implies "If you choose this, then this will happen." But this alternative contains an "if" within itself, so it provides no conclusive basis for choice. Obviously we need strong, clear policies and implementation measures requiring development to use land efficiently, whether the development occurs in incorporated or unincorporated areas. This means there must be FIRM development boundaries; and the hamlet boundaries s/b a lot smaller. We keep making a lot more people, but we aren't making

any more land, so we must use our land more efficiently. And conserving our farmland is very important, because all those additional people have to eat. Please incorporate here the above comment on Significant and Unavoidable.]

Alternative 3 – rural communities (p. 7-23): The DEIR says this Alternative has the “potential to result in a slightly greater impact” because an “additional number of acres” have the potential to be converted to urban uses. County is expected to continue with current development patterns,” which would “result in a **slightly higher population level** within a **development footprint similar** to that anticipated in the GPU,” resulting in the “conversion of slightly more open space land.” This is bewildering. Slightly greater impact than GPU because more acres. [How many more acres?? Is there any significant difference? What about quality of acreage in these various areas? Please incorporate here the above comment on Significant and Unavoidable.]

Alternative 4 – transportation corridors (p. 7-27): This Alternative states that “**a majority of the areas along Highways 99 and 65 contain a significant amount of important farmland,**” but because growth under this Alternative “is directed towards the cities and communities along these highways **there is less of a possibility of fragmenting farmland throughout the County**” than under the GPU, with “**slightly less significant impacts.**” [Please provide a couple of maps and some acreage estimates for this Alternative, so that the reader may judge whether this factor is sufficient to affect decision-making. Please incorporate here the above comment on Significant and Unavoidable.]

Alternative 5 – confined growth (p. 7-31): The DEIR states this Alternative would result in “**reduced impact**” because of “**hard boundaries**” and “**other land use controls,**” so that “a fewer number of acres” of farmland would be converted. [As noted above the “hard boundaries” in this Alternative are rendered extremely expandable and permeable by the many loopholes and “extenuating circumstances” provided in the GPR’s policies and implementation measures and the criteria for expansions (at least some of them) listed in the description of the Alternative (p. 7-30). Please provide a comparison of estimated numbers of acres that would be converted under the different Alternatives, so that the reader may judge whether they are sufficiently significant to affect decision-making.

AIR QUALITY

Alternative 1 – no project (p. 7-15): Fewer jobs, dwelling units, and residents in unincorporated areas at buildout result in **reduced levels of both mobile and stationary sources of air quality emissions and Toxic Air Contaminants.** [Please provide a **quantified estimate** of this reduction in emissions so that it may be used in comparing the relative impacts of the various Alternatives. Please **include the impact on GHG emissions and the related information needed to project compliance with AB32 requirements and impact on global warming.** Surely at least some of the “significant and unavoidable” impact could be avoided through intensive application of

smart growth principles and some of what could not be avoided could be mitigated. Please specifically address these considerations.]

Alternative 2 – city centered (p. 7-20): The Air Quality section for this Alternative states that “**similar levels of growth** would still occur within the County by 2030.” [However, on p. 7-19 the Project Objectives section for this Alternative states that it entails “**lower population growth assumptions,**” and “**lower levels of anticipated growth and development.**” **[Please correct this contradiction and explain the basis for the assumption.** Table 7-1 on pp. 7-3 and 7-4 shows only half as much population increase in unincorporated areas under this Alternative vs. the GP Update level – although the ratio is not matched in the projected totals for unincorporated population.] This Alternative “**may reduce overall vehicle miles driven,**” but “**would still result in similar overall emission levels** of mobile and stationary sources of air quality emissions, toxic air contaminants and . . .odor potential emissions.” [Reducing VMTs is essential to reducing GHG emissions, so **this factor should be quantified and compared among the various Alternatives to aid in decision-making.** Implementing strong policies that insist on smart, efficient concentrated development that provides for alternate transit and mixed use is essential to reducing VMTs and GHG emissions. Surely at least some of the “significant and unavoidable” impact could be avoided through intensive application of smart growth principles and some of what could not be avoided could be mitigated. Please specifically address these considerations.]

Alternative 3 – rural communities (p. 7-23): This Alternative projects “**slightly higher population**” than the GPU [almost 10% higher total per Table 7-1] with a “similar”development footprint, and a “slightly greater” number of jobs, dwelling units, residents resulting in “**increased levels**” of emissions and TACs. **[Please quantify and clarify whether this is sufficient to be a factor in decision-making.** If growth is pushed into the rural communities, wouldn’t VMTs increase more than under a city-centered alternative, because these communities would provide a less satisfactory jobs/housing ratio and fewer services than cities? Would proportionately more people be commuting to the cities to work, get medical treatment, shop, etc.? Surely at least some of the “significant and unavoidable” impact could be avoided through intensive application of smart growth principles and some of what could not be avoided could be mitigated. Please specifically address these considerations.]

Alternative 4 – transportation corridors (p. 7-27): This Alternative states that “**similar levels of growth would still occur,**” but this Alternative “**may reduce the overall number of vehicle miles driven.**” [Table 7-1 shows an almost 10% higher population in the County area. Please explain how this Alternative might reduce VMTs.] This Alternative concludes that it would produce “**similar overall emission levels.**” [Please clarify whether this means that air quality impacts are not a factor in decision-making with this Alternative. Please explain why Table 7-3 (p. 7-6) rates this Alternative as SU+ for AQ-1, 3, and 5, when it is described in the text as producing emission levels “similar” to the GPU’s.]

Alternative 5 – confined growth (p. 7-32): The air quality section for this Alternative is almost exactly the same as that for Alternative 4. [Table 7-1 shows no population figures for Alternative 5, but does not explain why they are absent. Please clarify whether “similar overall emission levels” means that air quality impacts are not a factor in decision-making with this Alternative.]

BIOLOGICAL RESOURCES

Alt 1 – no project (p. 7-16): Less development resulting in adverse impacts to habitat, wetlands, riparian, wildlife corridors, and trees. But GP update has more comprehensive G&P to protect Fed and State listed and threatened species. [HOWEVER, are these G&P more comprehensive than what is already REQUIRED by Fed and State law? If not, they don’t mean much (especially given weak, vague, unenforceable). Also, how much less development? But isn’t the more certain way to preserve biological resources to protect them with permanent conservation easements designed to maintain sufficient habitat to support sustainable populations?? TCCRG Plan should do this.]

Alt 2 – city centered (p. 7-20): Impacts on biological resources similar to GP Update, but fewer acres of natural or open space converted to urban uses. [This is too vague. We need approximate acreage comparison. Also need an explanation of ratio of natural open space land to impact on bio resources. If fewer acres are converted to urban, why are bio resource impacts still similar?]

Alt 3 – rural communities (p. 7-24): Similar to GPU, but slightly greater amount potentially converted to urban; significant and unavoidable due to proposed development on “several acres of currently undeveloped land, which would result in the overall reduction of a plant or wildlife species habitat.” [SEVERAL ACRES??? This is not specific. Need approximate acreage comparison. No real basis for comparison.]

Cultural Resources

Alt 1 – no project (p. 7-16): Ag and open space land, especially near waterways more likely to contain undiscovered cultural resources. Urbanized areas have variety of historic resources (buildings, bridges, etc.). GP update G&P (including “Community Design” in LU) are more comprehensive and detailed than existing (especially related to historic). [HOWEVER, the new G&Ps are pathetic for the usual reasons: “the County shall cooperate to encourage,” etc.]

Alt 2 – city centered (p. 7-20): “Would focus new growth within existing city areas, which could result in similar or greater impacts to historic resources within existing urbanized areas; may result in greater impacts to design qualities of individual city neighborhoods and historic districts than under GP Update.” [This is extremely vague. What is the basis of these remarks? Often historic resources become focal points and themes of redevelopment and infill. Does the second part mean that greater density would affect the appearance of neighborhoods?]

Alt 3 – rural communities (p. 7-24): Similar to GPU, but would affect slightly larger area and potentially greater impacts. [Too vague. How much larger? We have no way to meaningfully compare the Alternatives’ impacts, and none are mentioning any mitigation measures.]

Geology and Soils

Alt 1 – no project (p. 7-16): States similar to GP update. [I think it w/b less impact because less hardscape, less disruption of natural drainage, etc. Although ag also disrupts natural drainage.]

Alt 2 – city centered (p. 7-20): “**Alt 2 proposes development that is similar in nature to that anticipated under the GP Update.**” [Then how is it a discernible alternative????] “Policies and IMs in the GP Update incorporate all applicable regulations to minimize these impacts.” Boilerplate re current State and federal regulations.

Alt 3 – rural communities (p. 7-24): Ditto.

Hazards & HazMat

Alt 1 – no project (p. 7-16): Would not include additional Hazmat & public safety policies, but “**Hazmat generation, storage and clean-up are heavily regulated by federal, State and local regulations that would apply**” to both, so similar to GP update. [I haven’t gotten to this section yet in the GP update, but I’m assuming its G&Ps add little if anything enforceable to fed, State and local requirements.]

Alt 2 – city centered (p. 7-20): “Development similar in nature to GP Update.” Boilerplate re regulations.

Alt 3 – rural communities (p. 7-24): Development similar in nature to GPU. “Development proposed under this alternative would affect a variety of agricultural lands (predominately to the north, east and south) outside the existing County limits.” [Should show a MAP of the proposed development patterns and locations for each Alternative and indicate acreage of each development footprint for comparison. Indicates this would affect a variety of ag lands; what about other important resource lands such as waterways, habitat, etc.??] Similar to the GPU, this alternative “would involve a decrease in the use of pesticides, herbicides, and other hazardous materials used for agricultural practices. Although hazards related to agricultural uses would be reduced, potential new commercial and industrial uses may introduce new sources of hazardous materials. However, . . . heavily regulated by federal, State and local regulations” [WHAT would cause the decrease in ag chemicals? Decreased ag acreage, or some kind of additional regulation?? WHY is decrease in use of ag hazmat materials being brought up in this Alternative? Is the decrease relatively significant? Need an estimate and comparison with other Alternatives. Would it affect health? Would it likely be offset by commercial and industrial? If it’s brought up, it needs to be discussed in enough detail to make it meaningful for decision-making AND IT NEEDS TO BE COMPARED throughout the Alternatives. Also, County s/b working to attract CLEAN industry and mandating GREEN buildings and ENERGY efficiency, so s/b less hazmat from commercial/industrial.]

Hydrology and Water Quality

Alt 1 – no project (p. 7-17): Less development would convert less open space to urban.

Urban impervious surfaces increase runoff, which could affect water quality [DOES NOT mention drastic effects of AG on water quality] and reduce groundwater recharge potential.

If land conversion is less, then fewer impervious surfaces.

Alternative also proposes development within the 100-year floodplain. [BAD]

Levees are regulated at State level with maintenance activities delegated to local flood control and levee districts; County has no jurisdiction and is limited to mitigate for identified flood risks. [NOTE: Tulare County Grand Jury in 2006 or 2007 found terrible problems with our levee situation. The BoS acts as the TC Flood Control District. The Grand Jury had a number of good recommendations; they are not reflected in the GPR or here.]

Alt 2 – city centered (p. 7-21): “Would *convert less open space land to urban*; fewer impervious surfaces.” Same as Alt 1.

Alt 3 – rural communities (p. 7-24): Potential to **convert greater amounts of open space** than GPU. Similar impacts to GPU. Same boilerplate. [Too vague to enable comparison. HOW MUCH GREATER, in approximate acres?]

Land Use and Planning

Alt 1 – no project (p. 7-17): Existing GP policies would generally ensure that new development is compatible with surrounding land uses, and development under no-project alt. would still need to be consistent with existing plans and policies, so land use impacts of no-project alt. are similar to GP update. [!!!!] [DOES THIS – CORRECTLY – IMPLY that the GP update Land Use policies are not going to make much difference???] It says with no-project County would have “less of an ability to direct specific development changes to ensure that new development is well-connected and compatible with surrounding uses.” [WHICH policies, specifically, enable this??]

Alt 2 – city centered (p. 7-21): “Similar types of development, but could **intensify development within city** planning areas and would **convert less open space** areas.” “Subject to same policy direction re land use compatibility as GPU.” [Need acreage estimates in order to make any meaningful comparison.]

Alt 3 – rural communities (p. 7-25): “Additional development within the County; overall similar impacts to GPU.”

Mineral Resources

I expect this w/b the same blurb for every alternative. The lower growth alternatives would result in fewer potential land use incompatibilities. Policy guidance and overall impacts similar to GPU.

Noise

Alt 1 – no project (p. 7-17): Less buildout, fewer jobs, dwellings, residents result in reduced mobile and stationary noise sources, but still significant and unavoidable.

Alt 2 -- city centered (p. 7-21): Slightly reduced development footprint; development similar in nature to GPU and similar noise.

Public Services, Facilities and Recreation

Alt 1 – no project (p. 7-18): Lower level of population growth and development would result in similar altho' slightly lesser impacts to public services and utilities that w/b required.

Construction of future public service and utility facilities could result in **some level of permanent conversion of ag and open space land, but cannot determine amount**, and mechanisms to reduce impacts may not exist. [The information provided is too sparse and vague to allow understanding, analysis, or decision-making.]

Alt 2 – city centered (p. 7-21): "Would be expected to result in lower levels of development, but would still require expansion of services, so impacts anticipated to be similar." [If it's projected to be only HALF the population increase in the unincorporated compared to the GPU, how could the PFS impact be "similar?" These Alternatives seem meaningless! This section should show the number of police, fire, parks, etc. needed per 1,000 and then show the difference.] Plus same boilerplate re can't tell about impact of construction of public service and utility facilities on conversion of land. [Again, need figures re how much population increase triggers construction of new facilities and how much land typical facilities take up. Too vague!]

Transportation/Traffic

Alt. 1 no project (p. 7-18): fewer jobs, DUs and residents so total daily vehicle trips generated over most roadway segments w/b lower, but may be similar LOS impacts on some segments compared to GP update.

Outside of County limits traffic w/b less and thus less LOS impacts on roadways outside County jurisdiction.

[This could mean lower maintenance costs for County?]

Alt 2 – city centered (p. 7-22): "Intensification of similar types of development within existing cities, with overall Total daily vehicle trips similar to GPU, but more traffic within existing urban areas, which could reduce their LOS; significant and unavoidable." [What do they mean by "similar types of development?" Meaning there would not be increased densities?]

PATTERNS OF GROWTH?

Alt 1 no project = current development patterns would continue to occur in accordance with existing GP. **WHAT ARE THE CURRENT DEVELOPMENT PATTERNS** and how are they influenced or constrained by the existing GP?

GP Update = what?? What are the proposed development patterns that w/b created by the GPU, and how do its goals and policies create or constrain them?

Alt 2 – city centered = slower development patterns assumed to continue through entire 2030 planning horizon; focus is within existing urban areas (cities) concentrated in areas already committed to degree of urban development and have provisions for some utility-road infrastructure or adequate levels of public services. **ASSUMES**

PATTERNS continue thru entire 2030 horizon. Does that mean patterns don't continue under Alt 1 or others? If they don't continue under others, why don't they?

Alt 3 – rural communities alternative = focus of growth is an assumption, unlike the GPU, that existing levels and patterns of growth would continue to occur within the County over the planning horizon of the updated GP; specifically, future growth directed to unincorporated communities, while growth in rural areas w/b limited to only 5% of new population; these growth patterns are assumed to continue thru entire 2030 planning horizon, with total unincorporated population slightly higher than under GPU. WHAT DOES THIS MEAN? IS IT SOME KIND OF CODE WORDS?

Alt 4 – Transportation Corridors Alternative

This is not complete, but we hope it will be helpful in providing a truly reasonable range of Alternatives, including one that will be a truly “Healthy” Growth Alternative.